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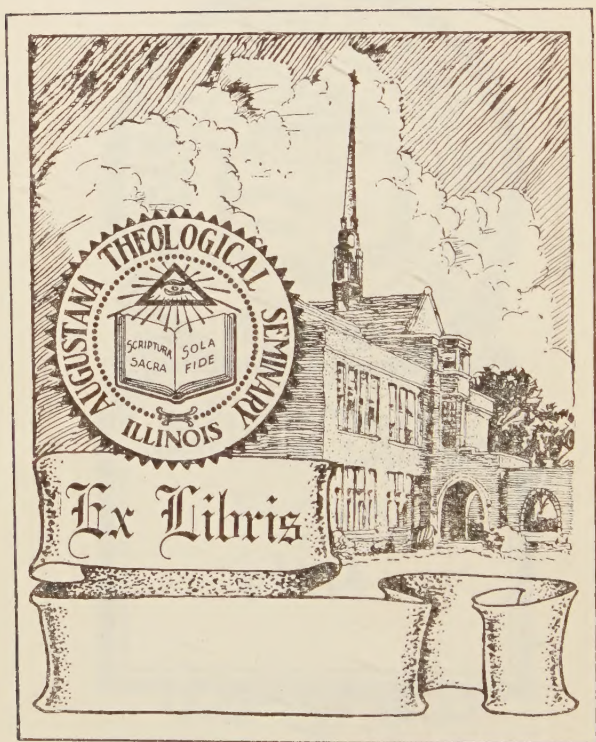
Problem of the Christian state



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CHRISTIAN STATE

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THE PROBLEM OF THE
CHRISTIAN STATE

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THE PROBLEM OF THE CHRISTIAN STATE

By

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Preface

THERE is no problem that deserves renewed study and consideration more in our day than the problem of the state and the relation of Christianity to it. Too long this question has been narrowed down to the discussion of the influence of the church upon the state and the state upon the church. History has brought about this limitation, but we must seek a new avenue of approach. With this purpose in mind this brief discussion has been written for busy men in a succinct form, but students can be led to a fuller study through the sources indicated and by using the bibliography. After a historical review of many theories and actual situations, through the selection of the outstanding political thinkers and leaders, modern difficulties which hinder the Christian ideal of the state are outlined. The suggestion is finally made, that we need a new theory of the state based upon the ideal of the Kingdom of God, which implies the application of righteousness in justice in accord with the will of God. This justice must be broad

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and constructive for every sphere of life which the state has a right to control.

Many historical sources have been carefully consulted and all the material has been weighed critically. For the most part the very words of great thinkers on political questions have been quoted in order to furnish actual source material. In the chapter on the papal claim I desire to express my indebtedness to my friend, The Reverend Dr. John C. Mattes, who furnished me with much accurate information on the attitude of the papacy toward the problem of the state.

May this little volume go forth to stimulate anew the interest in a great and living question, to which we give too little thought in our country! It will not have been in vain to have given time to this book, if but a few thoughtful men and women are led to a careful and balanced study of what Christianity ought to mean for the state. Too often we are living merely in past traditions and are repeating old formulas, instead of grappling in a new way with the question of the permeation of the state by the essential life of Christianity.

JOHN A. W. HAAS

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The Christian Ideal of the State

INTRODUCTION

IT may seem very strange that after twenty centuries of Christianity it has not yet conquered the ideal and life of the state. Such is the case not only where the people are not yet Christian, but also in the midst of Christendom and in a predominant Christian civilization the conception of the state and its policies have not been actually Christianized. The whole speculation about the state as well as much of its practice is not definitely pervaded by Christian ideals. How is this to be explained? Where does the fault lie? Is there a remedy?

If we are to approach these questions fairly and honestly we must take a historical survey and find how from the beginning Christian thought has dealt with the problem of the state. We may discover glimpses of the truth but also many an error. With due allowance for different periods of history with their varying conditions some leading traces may be found of right direction along with byways and blind alleys. If we are able in

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the changes of historical life to follow a helpful thread in the labyrinth of human conditions it may aid us in the present. Perhaps there is a historical deposit or clue that we can follow or correct. Then we may be able to offer some suggestions in the complex life of the modern state.

Our study will not be the usual history of political Western thought that begins with Plato and gives a large place to Macchiavelli. It is the effort of distinctively Christian thought, or state theory colored even in part by Christianity, that concerns us. Our problem is not merely the question of the relation of state and church. Of course as soon as Christianity arose to a power among men, and the church developed into a mighty social form from the original, simple assembly of believers in Jesus Christ, the relation of state to church and church to state became of absorbing interest and still continues to be so. But we shall never come nearer a solution of this vexatious problem along the past lines. Too long have we struggled with the claims and counterclaims of state and church, and with their respective functions. We have not settled how state and church shall be separated and how they

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shall bear upon one another. There has been a constant gravitation of opinion to and fro. There has been a steady swing of the pendulum from one side to the other. But we have found no common basis, nor does any seem in sight as long as we stress the relation of organized Christianity to the organized state.

Can we approach a little closer through a study of the past to enable us to grapple with the question, that is larger than the relation of state and church, namely what ought to be the ideal of the Christian state? Perhaps the outcome of our study may enable us to point out in what way the modern state can be Christianized without subjecting it to the church. If there is a superior value in forms of life when they are pervaded by the Christian spirit this superiority ought also to pertain to the state if it rests upon Christian ideals, and conducts its life according to Christian principles. The difference between the Christian family and the non-Christian family can be definitely noticed, not so much in certain observances, as in the whole spirit and attitude of family life. The Christian family life far surpasses in all its relations the life and conduct of the family not ruled by the spirit of Christ. Ought it not, then,

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be possible to show how much better the state would be if it were really Christian? Certain policies even now may have somewhat of a Christian color, and can demonstrate their superior worth. But what the state would be if fully Christianized can only be shown through the suggestion of what might be, but is not now to be found.

There can be no doubt that with the growing democracy, and with the increasing responsibility of the individual, the problem of the Christian state is a very timely and necessary question. In fact we have lived too long on mere traditions which we have not reinterpreted for our age so as to make our Christianity more real and effective in every sphere. If we do not succeed in the Christianization of the state the state will become one of the forces to paganize us. This danger is all the more real in the present trend of state control, and the increasing socialization of our lives. Just as we must penetrate all knowledge with the spirit of Christ, and rescue nationality through the broad Christian ideal of humanity, so we must strive to gain a new vision of what the state ought to be and can be when Christianized. This Christianization is not to be accom-

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plished through a formula or by placing the name of Christ in a constitution. This very procedure would rather be a hindrance than an aid and turn the state into a church, instead of keeping it definitely a state with the toleration, that is the outcome of the best ethical development of the spirit of Jesus Christ.

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CHAPTER I.

The New Testament Teaching

WHEN the story of the New Testament opens we meet a small, choice, pious group, nurtured in the hopes of the Old Testament and looking forward to the coming of Israel's great Messiah King. As they utter their prayers they still dwell in the national conception of the religion of ancient Israel. And thus their faith looks to a ruler and king and has the coloring of a Jewish state-religion. Mary, in the Magnificat, glories in the Savior God, who shall show strength with His arm, scatter the proud, put down the mighty from their seats, and send the rich empty away. On the contrary He shall exalt those of low degree and fill the hungry with good things. (Luke 1:51-53). These hopes of the humiliation of the proud and exaltation of the lowly imply the social changes brought

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about by the great Messiah King. In the same manner, Zacharias, in the Benedictus, sees salvation in the expectancy that the Lord God of Israel will save His people from their enemies, and from the hand of those that hate them. (Luke 1:71). Surely Zacharias is hoping not only for a spiritual renewal, but for a deliverance of Israel from all that oppress them through the mighty King of the house of David.

In contrast with these ideas of a religious and political, national deliverer Jesus altogether spiritualizes the Kingdom of God. Immediately after His baptism, at the very beginning of His career, when He is tempted He rejects the political temptation of the kingdoms of the world and their glory. (Matt. 4:8).

There is no aspiration after worldly rule and power for the worship and service of God is supreme. (Matt. 4:10). Because the Kingdom is spiritual, viz. the ideal of the doing of the will of God, it is not by strength and power but by meekness that the final inheritance of the earth shall be gained. (Matt. 5:5). There is certainly no political hope and ideal here, and Jesus is not seeking to establish any earthly rule through state power. The charge which is brought against Him before Pilate, that He claims to be a king,

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is entirely in keeping with the prevalent Jewish expectation of an earthly ruler after the manner of David. But Jesus utterly repudiates the charge. He says: "My kingdom is not of this world" (John 18:36), and declares that He is the king of truth. (John 18:37). There is no trace of a claim of power over the state, and nowhere do we find Jesus asserting the church in the form of the state. His great promise to Peter is that of a spiritual fellowship founded on faith. (Matt. 16:15-18). The power of the keys (Matt. 16:19) consists only in a spiritual discipline, and not in any punishment which partakes of the nature of the outward punishment of the state.

But while Jesus has no political doctrine, and asserts no political claim, He has left us two apparently incidental sayings that imply His position in reference to the state. When the Pharisees and Herodians endeavor to lay a snare for Him, and seek to make Him commit Himself either to an approval of Roman rule or to a revolutionary attitude (Matt. 22:15ff.), they are utterly discomfited. On the basis of the acceptance of the Roman coinage Jesus points them to the *de facto* existence of the Roman state, and its rule over the Jews. But then He utters these wise

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words: "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's." (Matt. 22:21). Is this saying only the clever parrying of an attack, or has it more than temporary value, and does it involve a principle? If we are to judge from other incidents in the life and teaching of Jesus we will find some principle of truth permanent in value. Jesus accepts the state and our obligations to it within its sphere. He is neither a revolutionary nor an anarchist. While there is no definition of the power and function of the state, which was not the mission of Jesus, nevertheless the state is not set aside. The emphasis on the things that are God's does not abolish the things that are Caesar's. There is a double obligation of man, one to the state, and one to God. Both are separated, but neither ought to be neglected. If there is any connection to be found it cannot be in any direct word of Jesus, but it must be discovered in the import of the teaching of Jesus about the Kingdom. It will depend upon our deduction of the application of the ideal of the Kingdom to the state, how the obligation to God affects the obligation to the state.

The second word of Jesus that has an implication about the power of the state is the answer

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which He gave to Pilate when Pilate said: "Knowest thou not that I have power to crucify thee, and have power to release thee?" (John 19:10). Jesus answered: "Thou couldest have no power at all against me, except it were given thee from above." (John 19:11). Does this reply simply mean that Pilate had providentially been given the power to judge Jesus? Has it a merely personal application? It seems more probable in the light of other apparently incidental remarks of Jesus that we must look for a principle. The thought, then, is, that the power which Pilate representatively exercises is divinely given. The Roman state has the power because God allows it. ✧ If this is the correct implication, then the power of the state rests upon God. This does not mean that the state is essentially power, and it does not justify every exercise of power by the state. Upon it can be built no theory of the divine right of kings or the divine right of any form of government. But there is the clear teaching, that the power of the state is from above, and not derived from any human conferral of power, either by royal inheritance or by the consent of the governed. The state is an essential part of the human order and society which is not only the outcome of human development, ✧

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but also lies in the will of God for the good of man.

But the will of God which Jesus sought was to come through the Kingdom of God among men. This Kingdom was to be a present reality and yet it also had a far off reference to the end of time. The parables of the tares among the wheat (Matt. 13:24ff.) and the net cast into the sea (Matt. 13:47ff.) clearly look to the final judgment. In the eschatological sayings of Jesus the destruction of Jerusalem is closely connected with descriptive glimpses of the last times. (Matt. 24). It was this future fulfillment of the Kingdom which dominated the apostolic age, and affected the conception of the state. At the ascension of Jesus His disciples asked Him whether He would soon restore the Kingdom to Israel (Acts 1:6). Still entangled in the Jewish national idea of the Messiah, they hoped for the early return to earth of Jesus stimulated by a great promise. (Acts 1:11). And connected with the second coming of Jesus there was the expectation of the end of time. With such a hope it is apparently evident that the state would only have a passing value for the first Christians.

But Paul in his early letters to the Thessalonians warns against a wrong interpretation of the quick

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return of Jesus even though down to the time of his captivity he still clings to the hope that "The Lord is at hand." (Phil. 4:5). In connection with the last days Paul teaches there must be a great falling away of men and the working of the mystery of iniquity. (1 Thess. 2:2). The full unfoldment of the lawlessness, which Paul sees as it begins to operate, will, however, be restrained and held up by a hindering power. (2 Thess. 2:7). It has been conceded by many interpreters that Paul had in mind the restraining control of the Roman state. Its strong hand did not yet permit iniquity and lawlessness to have their full sway. As a Roman citizen Paul naturally valued the Roman conception and execution of law and order. From the evaluation of the state as a power for order Paul passes to a fuller statement of the Christian ideal of the state when he writes to the Christians at Rome. (Romans 13:1ff.) He enjoins obedience and subjection to government because it is an ordinance of God. Those that resist will receive damnation. The state is a minister of God for the common good, and has the power of the sword to punish the evildoers. The Pauline idea of the state is that it is a servant of God for the maintenance of justice. It protects the good

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and punishes the wicked. To this end it can take the life of criminals. There is no indication that Paul meant by the power of the sword the right of the war of nation against nation. Because the state served men and helped to uphold order, Paul instructs Timothy that prayers be made for kings and all that are in authority "that we may lead a quiet and peaceable life in all godliness and honesty." (1 Tim. 2:2).

The same attitude of submission is counselled in the first letter of Peter. (1 Peter 2:13ff.). The Christians are told: "Submit yourselves to every ordinance of man for the Lord's sake; whether it be to the king, as supreme, or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well." The idea is altogether in keeping with the teaching of Paul. And the purpose of obedience to the state which upholds justice is to be a protection for the Christians if they live good lives. Whatever human ordinance obtains is to be accepted for Christ's sake. Christians are to put to silence those who ignorantly accuse them (1 Peter 2:15). The king is to be honored. (1 Peter 2:17). Evidently the situation before the Christians was the danger of persecution. At this period the state was not

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yet officially the persecutor but the protector of those that lived justly. But at no time did the Christians rebel even when those in power persecuted them. Their faith they could and would not deny for they knew that they ought to obey God rather than men. (Acts 5:29) If the state punished them for their faith they suffered willingly, but they bore their sufferings as a cross for the sake of Christ, and prayed for their persecutors. They never thought of rising against the state, nor opposing its power in any manner.

When we study the last book of the New Testament there is no change of attitude toward the state. It is true that Rome is now seen as the world power hostile to the Kingdom. But men would not overthrow it for the judgment was to come from God. The believers were to suffer and wait until the revelation of the power of God came to the final rescue, and established a new earth in which righteousness was to dwell and Christ be the King of kings. But this final triumph was not conceived of in an external manner but rather spiritually.

If we sum up the whole teaching of the New Testament we shall be led to state it in the following terms:

The state exists by the will of God and is from

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above. It is to serve men through justice and to maintain order in the world. The duty of the Christian is to obey the state even when the state persecutes him for his faith. No right of rebellion is granted, but men are to submit themselves to the authority of the state.

We will not understand the New Testament in the application of its message to the question of the state, unless we seek to know in how far the ideal of the Kingdom of God affects it. The Kingdom of God is the constantly repeated word of Christ to men. And in its nature as righteousness, and as the doing of the will of God, it has a bearing upon all of human life and upon all forms of society. We must ask how does the holy and loving will of God, which are its essential attributes, seek expression in and through the common will in the state. The unity of holiness and love finds one avenue to men in righteousness. And righteousness must be applied through justice in the state, for without justice as the basis of the state we have mere will of power and to power. Power without the foundation of justice is unchristian and anti-christian.

CHAPTER II.

Early Christian Views

THE doctrine of Jesus and the apostles was maintained until the Fourth Century. While the church slowly became powerful and developed a definite organization it still theoretically taught the same, humble, submissive attitude toward the state which the New Testament contains. There are several causes that contributed to the maintenance of the initial position of Christianity in reference to the state. The first and strongest was the continuance of the hope of the early return of Christ. His kingdom was soon to be established on earth and then the Christians would rule and govern. The character of this rule and the nature of this Kingdom were more and more painted in material colors. The second century showed the increasing stress upon the Kingdom as a great power on earth and a humanly conceived and governed state. It is clear that while such a hope lived and thrived, the Christians were indifferent to the Roman state. They suffered its rule and were submissive

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to its ordinances under the hardest conditions. The prevailing conception of religion was that of a new law of love, which obeyed in all humility and sought a quiet, non-resisting, individual life that had no real interest in the state. The coming in of Greek ideas led also to the emphasis of Christianity as the real doctrine of eternal life. With the hope of immortality conceived of as the centre, the other—worldliness of the Christians was still further strengthened. Consequently the conditions of the present life and the relation to the state were of little importance.

A second cause that affected the under-valuation of the state by the early Christians was the increasing spread of persecution. Christians first suffered from riotous outbreaks of the Jews, which were sometimes restrained by the Roman governors, and sometimes overlooked and taken up by others than Jews in the mixed population of the cities. Soon Christianity began to reduce the business side of pagan worship and then persecutions were fomented because the business losses were deeply felt. The great uprising in Ephesus (Acts 19:21ff.) is a clear illustration of this second and more widespread nature of the persecutions of the Christians. The third stage was brought about when the Roman state took

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cognizance of the growing influence and spread of Christianity. This notice by the state arose in part from the popular misrepresentations of the Christians. One of the generally accepted notions was that the Christians at their secluded worship, often in the catacombs, sacrificed a child and ate it. They were said to have Thyestian banquets. In this manner the celebration of the Lord's Supper was made a horrible, immoral feast. But in addition to the prejudice against the Christ sect as a moral offscouring, the consciousness grew in the Roman state that there was an inherent conflict between the Christian claim of universal religion and the state faith particularly as it appeared in the deification of the emperor. While all sorts of oriental religions found a place in Rome, such as the worship of Cybele, the Magna Mater, and all kinds of healing cults like that of Aesculapius were harbored,¹ there was a growing fear of Christianity. And therefore in the reign of Trajan Christianity became a *religio illicita*, a forbidden religion. When the Christians were thus outlawed for their faith they suffered as evildoers though they did no wrong. Consequently they feared the state, and though they did not rebel they prayed for deliverance.

¹Cument, *Oriental Religions in Roman Paganism*.

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The state seemed to them an evil power that must pass away when the rule of Christ began.

The character of the early Christian literature must also be considered to understand the prevailing attitude of Christians toward the state. The first Christian writers, after the days of the apostles, soon turned from letters like those of Ignatius, and from instructions to Christians like *The Teaching of the Twelve Apostles*, to the defense of the Christian faith. The apologists arose. They opposed defensively the wrong accusations against the Christians, their faith and life. The greatest and most notable treatise of this class is the answer of Origen to the accusations of Celsus. But the apologists also attacked the religion and life of the pagans. They showed clearly the immortal stories about the gods and their evil influence. The existing civilization was evil and as far as the state was bound up with this civilization, and protected and promulgated the religion of the immoral gods it was itself evil. Despite this natural consequence in the position of the apologists they did not assail the state as such. But clearly they suffered its power with the hope of a great release and a final triumph of the Christ.

But while the Christians waited for deliverance

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they did not fail to ask for justice from the state. Justin the Martyr in his First Apology² appealed to the Roman emperor for justice, and for an investigation of the wrong accusations brought against the Christians. The fullest statement about the state and government we find in Irenaeus, who asserts that kings reign by the will of God, but as a punishment for the departure of men from God. He says: "Since man, by departing from God, reached such a pitch of fury as even to look upon his brother as his enemy, and engaged without fear in every kind of ruthless conduct, and murder and avarice; God imposed upon mankind the fear of man, as they did not acknowledge the fear of God, in order that being subject to the authority of men, and kept under restraint by their laws, they might attain to some degree of justice, and exercise mutual forbearance through the dread of the sword."³ Therefore magistrates shall not be called into question, but obeyed, and if they are wicked God will punish them for their iniquity. All government is of God. Theophilus speaking of the emperor writes to Autolycus:⁴ "He is not made to be worshipped, but to be revered with lawful honor, for he is

²See Chaps. II. and III.

³Against Heresies, Chap. XXIV. 2.

⁴Chap. XI.

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not a god, but a man appointed by God, not to be worshipped, but to judge justly. For in a kind of way his government is committed to him by God." Theophilus opposes the worship of the emperor but still claims that government is of God. Tertullian adds nothing new and further, but advises men to reverence the ruler who governs by divine appointment and will.⁵ The early liturgies, following the usage of the apostolic days, have prayers for the rulers, of which we find a typical instance in The Liturgy of the Holy Apostle and Evangelist Mark.

⁵Apology, Chap. XXXIII.; On Idolatry, Chap. XV.

CHAPTER III.

The Christian Empire

AMONG the stories that have become commonplaces of human knowledge the conversion of Constantine occupies no small place. It is a striking account that has come down to us from the writers of church history of the fourth century how Constantine, in a critical situation saw a cross in the sky and the words: "In hoc signo vinces." (In this sign thou shalt conquer). Soon afterward he conquered Maximian and later Licinius. Whatever may be our attitude to this story, whether we accept it as did the Christian tradition as an actual, external and miraculous fact, or whether we try to explain it critically as an hallucination or in some other way, there can be no doubt of the fact that Constantine recognized the growing power and influence of Christianity. This may have impressed him prior to the victory which confirmed him in making the Christian religion the official faith of the state.

It was in truth a remarkable development that

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marked the Christian faith and the increase of its adherents. Beginning among the despised Jews, and taken up first of all in the Gentile world by the lower classes and the slaves in large part, it had grown amid hate and persecution, and at the inception of the Fourth Century conquered all classes even those that were high and influential. Such a phenomenon impressed the shrewd and wise Constantine, and he saw in Christianity and the church a power that could be put to the service of the state. He read the signs of the times far more correctly than did Julian after him, who attempted to revamp the dying paganism and to use the divisions of the orthodox and the heretics in Christendom to destroy it. The policy of Constantine was successful and gave the empire new life and influence.

It is of interest to note how the Christian faith gradually became the state religion. In 311 A. D. Galerius issued an edict, which also bears the names of Constantine and Licinius, tolerating Christianity as long as its adherents took no action against the religion, laws and government of the Roman state. Two years later, 313, Constantine and Licinius promulgated the well-known edict of Milan, which gave full and free right to the Christians in the exercise of their faith. The

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same tolerance was also extended to all forms of religion. The church property that had been confiscated or sold was ordered to be returned without compensation. In 323 Constantine published The Edict of Toleration, which finally fixed full freedom of conscience and right of worship. After Constantine established his throne at Constantinople he forbade the immoral practises of pagan worship. The acceptance of Christianity as the religion of the Roman empire was heralded as a great victory of its power and truth. The Christians so long outcasts, despised and persecuted, were now recognized. They felt their liberty and the standing in the state which they had attained through the act of Constantine. But had the state really been Christianized, or had the church become subject to the state? What seemed progress must rather be considered a retrogression. Christianity had become a world religion especially through the missionary vision and unceasing sacrifice of Paul, and it had overcome the trammels of Jewish nationalism by its independence of government and the state. But now through the act of Constantine it reverted to a past stage, for though the Roman empire had world import it was nevertheless the creation of the spirit and genius of the Roman people. Con-

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stantine did not realize this fact, but he was influenced by the long Roman tradition of a state religion. A Roman could not conceive of the state without an official religion, even though other religions were suffered if they did not strongly conflict with the state religion. When Christianity became the officially recognized faith it was really paganized instead of the state being Christianized. It did not conquer the state from within through its truth but was attached to the state and made subservient to it. The connection with the state helped to hasten the development of the organization of the church. Because the state influence was felt the future of the church, even when it reacted, was guided into the channels of a visible organization. In fact it gradually became a state. And thus it lost the freedom of its unhampered truth and spiritual power. With this loss the church became the prey of diplomacy and politics, and it failed to Christianize the state.

The new authority in Christendom was the emperor. This appeared very clearly in the outstanding instance of the council of Nicaea, and in the control of later councils. Although the council itself determined that Athanasius was correct and declared against Arius, nevertheless the im-

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perial power had to confirm and execute the decree. Constantine even undertook to preach.¹ It was the imperial authority that decided other claims of power and precedence and involved the church and its bishops in all the fortunes and misfortunes of the political game. The state controlled the policies of the church and bent it to its will. Constantine himself became an Arian and banished Athanasius, as he did other bishops. By him the salaries of ecclesiastical officers were fixed. All the various and changing attitudes of emperors now favoring one side in the church, and now another, took away from the church the character of a sound development in keeping with its real nature and mission.

In the West the century and one-half from the reign of Constantine to the fall of the Western empire showed, however, a reaction against the power and control of the state. One weak emperor succeeded another and the general incapacity of most of the rulers practically nullified their power. The church assumed more and more control through strong bishops. But the position of the Roman see which took its stand on the questions in dispute with the traditional orthodoxy was the most powerful factor in solidifying the church.

¹Hastings, *Encyclopedia of Religion and Ethics*, IV. p. 76ff.

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Able administration was combined with the defense of the sound Christian tradition. It was the church also which gave men some certain hope in the general social upheaval caused by the barbarian invasions of the Teutonic tribes. The institutions of the church were often saved in the fury of the invasions.

The Teuton invaders brought their own customs and traditions but left intact the ecclesiastical power. In the West it was the church that preserved Roman ideas in the new monarchies. While the fusion of Romans and Teutons took place the chief dignitaries of the church were Romans in feeling and tradition. And because the ecclesiastical leaders and bishops were given standing in the laws and administration of the Teutonic kingdoms they maintained much that was valuable in the Roman tradition. It is true that the church was not unaffected by the invasion, and became partly barbaric in faith and practise because the successive governments of Vandals, Burgundians, Ostrogoths, Visigoths and Franks were not without religious attitudes. Nevertheless the old power of the church was not lost. This was due to the memory of the strong administration of outstanding bishops. Men recalled that Ambrose, bishop of Milan, defied the

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weak emperor Valentinian when he appointed the Arian Auxentius as bishop. Despite popular uprising on behalf of the emperor's appointee and the urging of the civil authorities Ambrose did not give in. He was not to be disturbed in his right, and held that only God could limit him. The same strength of character and position marked Ambrose when he refused to admit the powerful emperor Theodosius to the eucharist unless he repented of the bloody massacre he had ordered. Actions like these made the church powerful and started the development in the West that virtually placed the church in control even before the papacy had risen to power. While there was a strong preservative value for Christianity through this domination of the church yet at the same time it added to the tendency which was to make the church a state claiming superior right to all states.

In the Eastern empire the power of the state maintained itself and controlled the church. There was no upheaval caused by any barbarian invasion and the emperors remained supreme. No reaction took place in the direction of developing the influence of the church as in the West. It is true that heresy rose after heresy and successive emperors favored now one party now an-

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other. The whole Eastern church remained under the dominance of the imperial court and was subject to it. Even when the Mohammedan invasion all but overthrew the church of the East in some sections the rescue came through a closer unity of the church with the state. All of the weakness of the empire and the vacillation of its emperors, who were often quite worldly, bore in upon the church. The degradation of the empire carried with it the decline of the spiritual power and influence of the church.

The many doctrinal disputes introduced all the minute intellectual distinctions of which the Greek mind was capable. Although much truth was preserved nevertheless the life of the church became so intellectualized that fresh and creative spirituality was lost. The period of stagnancy began which to our day has been the bane of the Eastern church. In all the disputes the state gave the final decision. The great iconoclastic controversy which raged to and fro was settled by the decree of the empire. In addition to the detriment which the state proved to be in the doctrinal debates, the life of the court and of high society with its moral laxness lowered the moral tone of the church. When the golden-mouthed Chrysostom opposed the decadent luxury of his day, and

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preached with all earnestness against the ladies of the court who lived unchristian lives while they wore diaphanous gowns that had scriptural stories woven into them, the preacher was heard and applauded, but the luxurious and soft life continued.

The Roman law which was largely superceded in the West through the invasion of the Teutonic tribes remained in power in the East. The conceptions of Ulpian, through which the power of the prince was limited by the people, became less effective in the code of Justinian that exalted the prince. Only in the later centuries did the rise of the canon law overcome the strong influence of the civil law which the code of Justinian sanctioned. The total effect of the empire in its official acknowledgment and control of the church did not Christianize the state but rather hurt the church and by reaction gave impulse to the movement that finally made the church in effect a state after the Roman pattern.

CHAPTER IV.

The City of God

IN the history of man there are two types of characters, those whose work and influence die with them because they have simply voiced the issues of their day, and those whose thought and life continue down the centuries because they have given expression to ideas and forces that operate into the future. To the latter class of the really great men belongs Augustine of Hippo. With power he traces the history of man; he projects the philosophic maxim "Non fallor nisi sum" (I am not deceived unless I am), which is the negative of Descartes basic idea "Cogito ergo sum" (I think therefore I am), the starting-point of modern philosophy; but above all he is the theologian who has been drawn upon by the three great ecclesiastical groups of the West. The Lutheran reformers quoted him in his doctrine of grace in which he revived Paul. The Calvinists anchored upon Augustine's doctrine of predestination. The Roman Catholic church found in him the beginner of the emphasis

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upon the church outside of which there is no salvation. It is the Augustinian conception of the church out of which grew his idea of the state. He conceived of a great commonwealth of the elect who were to be the society of the redeemed in the world to come. Of this society the present visible church is but a symbol and a part. In the City of God which is a counterpart in purpose of the Republic of Plato, and the thoughts of Cicero, Augustine unfolds his conception of history, the dogmas of the Christian church, and the idea of the state.

The great treatise *De Civitate Dei* was brought about through the sack of Rome by Alaric and the Goths. It was begun in 413 and finished in 428 as an answer to the accusation against the Christians. The non-Christians said that under the old deities Rome grew from a city-state to a world empire, but since the Christ had been accepted Rome fell a prey to the barbarian Teutons. Augustine uses the first ten books to meet this objection and to show the failure of paganism. The claim of Augustine was that the mitigation of the horrors of the invasion and the protection of the men who blasphemed Christ was due to Christianity. The old gods did not protect Rome in the past. The true God

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permitted the evil men were suffering that in the wisdom of His providence He might establish the City of God among men. God whose mind is evident in the beauty and order of nature in that there is number and measure everywhere, and who has not left the most minute parts of every creature without relation to the whole and without harmony, certainly has not abandoned the affairs of men and the course of history to chance. The whole history of man is a part of a divinely fore-ordained plan. Two great cities grow. The first is the earthly, sinful city, "*civitas terrena*," which begins with the fall of the angels, continues through the fall of man, and the sin of Cain, on through the world empires of Assyria and Rome. The heavenly city "*Civitas Dei*," begins in eternity, passes on through Seth and Shem, and finds its present unfoldment in the church that spreads the gospel. After a mystical reign of a thousand years by Christ, followed by the last and worst of all persecutions, the ultimate goal will be reached in the "*pax eterna*," the everlasting harmony, order and peace, which is the end of the universe. In comparison with it the "*pax terrena*" to be found in the home, the city and the social world, is of as slight importance as the life of the body when compared to the peace of the soul.

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Augustine holds that: "Every victory, even though it falls to the wicked is a divine judgment and through the downfall of the vanquished either atones for or punishes sin." There can be no justice where the true God is not recognized, and any community that takes man from God and gives him to the demons like the Roman state can in reality have no place for justice. The earthly state has no social virtues as it does not know the God of righteousness. The contrast between the city of God and the city of earth in their origin, history and destiny together with the dogmas of the church is the subject of the last twelve books of *De Civitate Dei*.

It has been well summarized thus: "The *civitas superna* is founded on the love of God, it steadily pursues the *pax celestis*, and the Kingdom of Christ. The *civitas terrena* is founded on the love of self, it steadily pursues evil, and is the kingdom of the devil. The aim of the *civitas superna*, like that of the Greek state, is the life of goodness. It, and it alone, is the *civitas Dei*. The *civitas terrena* has for its possession worldly power and worldly wisdom, but it has no justice. Apart from justice, which the *civitas terrena* can only possess by borrowing from the *civitas Dei*, the great Empires of the world have been a great

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brigandage, grande latrocinium. The earthly Commonwealth, the State per se, is simply grande latrocinium. If it is possible to separate the two civitates, the State is Babylon, the civitas or regnum diaboli, the Church the civitas Dei. The civitas Dei is the regnum Dei."¹

It is of interest to note what ideas moved Augustine to this attitude on the state and to the exaltation of the church. The church was fully identified with the Kingdom of God, and though it was in part conceived of as a spiritual, mystical, ideal community, it was also largely colored by the conception of a visible, outward organization. All that was outside of the Kingdom was outside of the church, even if the exception was made that occasional individuals might be in the civitas Dei who were not in the external church. The state was not in the Kingdom and not of God and was identified with the world. This scriptural term, that meant sinful mankind, was applied by Augustine to the Roman state with its idolatrous religion. The counter-attack upon the non-Christian world and civilization of the early Christian apologists became in the thought of Augustine a necessary assault upon the state. As

¹Murray, *The History of Political Science from Plato to the Present*, p. 39.

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opposed to the state the church was exalted, and the empire, despite the change toward Christianity under Constantine, was denied all moral character in itself.

But this clear line of cleavage between the state and the church is modified by Augustine in allowing the state a certain right and place after all. Corrupt as the state might be and sinful in its acts, nevertheless it consisted of rational beings associated in a certain unity and forming a commonwealth. The conception of a certain natural right of the state seems at times to underlie some of the utterances of Augustine. In actual life it is impossible to separate the elect and the non-elect in the same manner as the wheat and the tares cannot be torn apart while they are growing in the field. Thus also the *civitas superna* and the *civitas terrena* intermingle. Of course the state must derive its justice from the Kingdom of God. It can only exist as a moral entity through what it derives from the *civitas Dei*. It must participate in the Kingdom of God which is the only, real and true *civitas*. As God is the only true reality His Kingdom is the only true *civitas*. The state, if it is to be Christian, must be merged in the church. The civil power then becomes the weapon

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of the church, and the authorities of the state, as they are the sons of the church, must carry out the purposes and ideals of the church through the state.

But Augustine does not remain consistent in his depreciation of the state. He allows that the state exercises rights. It confers and can resume the rights it gives. Among these rights Augustine especially considers property, and of the two theories in Roman civil law, namely the absolute nature of property or the non-absolute character, he leans to the absolute conception of property. As we have property by the right of the state we must accept the laws of the state. When the Donatists rejected the authority of the state as well as that of the church, Augustine defends the power and claim of the state. The Donatists might well have considered themselves the thinkers who logically developed Augustine's ruling idea of the state. But Augustine, following the old Christian principle of obedience to the state, enjoins submission to it. Even if the emperor be a Nero, still according to God's ordinance the powers that be must be obeyed. If they take what is ours we must suffer it. Thus Augustine in opposition to the Donatists writes to Vincentius: "Since every earthly possession can

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be rightly retained only on the ground either of divine right, according to which all things belong to the righteous, or of human right, which is in the jurisdiction of the kings of the earth, you are mistaken in calling those things yours which you do not possess as righteous persons, and which you have forfeited by the laws of earthly sovereigns."

While Augustine in his early controversy against the Manicheans relied on the power of truth in itself he came later to accept the necessity of force. It was useful against the Donatists, and had the precedent of imperial legislation against paganism. Scriptural warrant was found for this position in interpreting the word of Christ, used in the parable of the great supper, "Compel them to come in," as sanctioning outward compulsion by law, and as approving the application of force. This unfortunate interpretation later aided in the attempt to furnish spiritual and moral approval of persecution. When Augustine was confronted with the difficulties of this attitude and with the quotation of his own idea, that the state was truly the kingdom of the devil, he asserted the sacredness of the king as a representative of the state. To overcome the contradiction he tried to stress the

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Christian character of the subjects and rulers as solving the problem. Christian men would make a Christian state no matter what the state was in itself. In keeping with this notion Augustine wrote to Marcellinus: "Let those who say that the doctrine of Christ is incompatible with the state's well-being give us an army composed of soldiers such as the doctrine of Christ requires them to be: let them give us such subjects, such husbands and wives, such parents and children, such masters and servants, such kings, such judges—in fine, even such tax-payers and tax-gatherers—as the Christian religion has taught that men should be, and then let them dare say that it is adverse to the state's well-being; yet rather let them no longer hesitate to confess that this doctrine, if it were obeyed, would be the salvation of every commonwealth." While Augustine thus tried in various ways to give the state value, nevertheless his total attitude favored the church. It was the Kingdom of God on earth and the state was to have its place within the church.

CHAPTER V.

The Encroachment of the Church

THE city of God of Augustine gradually became an empire of power. The historical development prior to Augustine, and after his day, is marked by the constant encroachment of the church on the state until it becomes the supreme power in Western Christendom. If we had visited the early Christian congregations in the apostolic period we would have found small groups of believers in Christ gathered mostly in the homes of one or the other of the members. Their worship was simple, and they were guided by one of their number who was known as "episkopos," overseer. This name arose from Gentile sources, where it was frequently applied to the head of a burying fraternity, a group organized to provide for their own burial and that of their dear ones. The peculiar hope of resurrection which the Christians held, and the pictorial symbols of hope on their tombs readily lent itself to the use of episkopos. Through it they obtained a certain legal status. Interchange-

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ably with the term episkopos the first Christians used the name "presbyteros," which meant elder, and seems to have come from the Jewish background. There was no difference of rank between the episkopos and the presbyteros. There were also "diakonoï" who performed services of administration and philanthropy. From this simple beginning there arose in time the conception of three orders, the bishop, the priest and the deacon. But it was especially the bishop from whom the organization of the church took its start. Soon after the apostolic age Ignatius in his letters to the churches of Asia Minor stressed the bishopric as essential to the church. Later Cyprian attempted to build the unity of the church on the bishopric. But finally historical occurrences determined the further development.

The bishops of the great cities like Antioch, Jerusalem, Ephesus, and above all Constantinople and Rome, due to the importance of these cities, became patriarchs and had larger powers. But it was particularly Rome and its historical past that gave the bishop of Rome a leading position. Soon there arose a tradition that Peter had been the first bishop of Rome, and Christ's word to Peter as found in Matt. 16:18 was interpreted as meaning that the church was to be built upon

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Peter the bishop. Many of the churches of the West, it was claimed, had been established by the Roman see, and therefore owed allegiance to the great metropolitan bishop. When furthermore, the power and authority of the emperors in the West declined the primacy of the Roman bishop was elevated. After the conversion of Constantine the bishop at Rome became the confidential adviser of the emperor, and he was close to the court. Through him and his mediation the problems and questions from all parts of the church were submitted to the ruler of the empire. When the court removed to Constantinople the Eastern church and the great prelates at Antioch, Alexandria and Constantinople were no longer dependent upon Rome as before. But in Italy, Gaul, Spain and Africa the bishop of Rome remained supreme. In the great theological controversy between orthodoxy and Arianism the Roman bishop stood for orthodoxy which was victorious. The Council of Sardica in 347 A. D. assigned to the Bishop of Rome appellate jurisdiction over the decrees of other bishops. In the following century the imperial power added its sanction to the ecclesiastical decision. Valentinian III made the Roman bishop the legal court of appeal for all disputes in the whole church, and declared him

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to be supreme over all other bishops. It was thus that the Roman bishop became *de jure*, what he had been for some time *de facto*, namely the head of the church, known as the pope.

The sanction of the state helped the claims of great pontiffs like Innocent I and Leo I, who insisted upon the chief authority of the Roman see with great success. When the Teutonic invasions came and overthrew the imperial power the pope controlled the civil order of Rome. Then after the Gothic power was dislodged, and Italy was made a part of the Eastern empire there was a great havoc in all Italy and especially in Rome. The Pope was the balancing and steady influence. Quiet was at last restored and order reestablished. But this stability was not to last long, for the Lombards descended from the north and devastated the whole of Italy. The emperor at Constantinople was not equal to defending Italy, and his authority amounted to nothing. It was Pope Gregory the Great who made an agreement with the Lombards when they appeared before the gates of Rome. This act further enhanced the political power of the pope. The weakness of the empire was a mighty cause in elevating the papacy and giving it its political

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standing. The decaying empire helped to make the church a state.

Gregory deserves to be called the Great in the history of the papacy because he knew how to use every situation to make the pontificate more powerful. All political affairs of Rome, and then Italy, came more and more under his jurisdiction. It is true that for a time Constantinople maintained its control and authority, and was represented by the Exarch at Ravenna. But gradually the Lombards encroached more and more. And when finally, in the Seventh Century, the Mohammedans began and continued successful assaults upon the Eastern empire the imperial authority of the ruler at Constantinople waned in Rome. The contest for power which the Patriarch of Constantinople engaged in when he claimed the supremacy in the whole church did not succeed in the West. Although the emperor endorsed the demands of the patriarchate of Constantinople the papacy at Rome rejected them and rose to greater independence in political affairs. Then came the great controversy over image-worship which split the church in twain. The Roman pontiff was severed altogether from the Eastern church and his independence was enhanced, even politically, through the ecclesiastical

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separation. The West cut loose from the East in theological position and in state control.

The iconoclastic decrees of Leo the Isaurian and his successors that divided the church caused a revolt, which led to the end of the Exarchate of Ravenna. The popes were left alone as guardians of Rome, and they were hard pressed by the Lombard kings who sought to include the city of Rome within their domain. When it became evident to the pontiffs that they could not hold out against the Lombard power, they called in the Franks in the name of Peter. Charles Martel and his son Pippin came to the aid of the popes. Pippin ejected the Lombards from the estates of the church, conquered the land formerly held by the exarchs, and gave it to the pontiff. This made the pope a political ruler in true form, through the action of the state. Soon Pope Zacharias approved the usurpation of royal power by Pippin, and Pope Stephen anointed and crowned him. A half a century after this act the kingdom of the Franks became still more powerful under the rule of Charlemagne, the son of Pippin. Charlemagne was crowned by Pope Leo III in 800. But it did not mean that Charlemagne accepted the coronation in the sense that

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the pope gave him political power. This was a later and unhistorical interpretation.

The close connection of the papacy with the Franks did not overcome the conditions in Rome itself in the transitional period that ushered in the Middle Ages. Often there was a bitter contest between the nobles who occupied different parts of Rome as to which party and family should have the papal chair. Thus the popes became subject to wild partizanship and were little respected. They sank to a low level in the Tenth Century when the Lateran Council of 1059 put the power of the election of a pope into the hands of the cardinals. This step aided by stringent opposition to simony, the enforcement of the celibacy of the clergy, and the demand of investiture of the bishops by the pope alone, led to an elevation of the papacy that reached its height in the period of the great popes from Gregory VII to Boniface VIII. This rise was paralleled by the development of the Holy Roman Empire. The rule of Charlemagne ushered in the great mediaeval empire. He gradually ruled over a territory equal to that of the ancient Western Empire, and the extension of his power advanced the church as against pagans and Saracens. The Holy Roman Empire was soon

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to begin as a fact and a theory. At first it enhanced the position and standing of the pope. When the empire of Charlemagne fell to pieces, and independent kingdoms arose, the idea of the empire persisted. And it was held that the authority of the emperor would only be complete after the coronation by the pope.

But a new period began in 962 when Otto, the German king, conquered Italy and forced the pope to acknowledge him. In this step the Holy Roman Empire was definitely launched. It was the beginning of the long struggle of the German kings of the Holy Roman Empire for the unity of Italy and Germany against the papacy. The strongly entrenched power of the popes stood out against the feudal control of the German kings in Italy and Germany. One of the first instances of conflict was the action of Pope Nicholas I, who compelled King Lothaire of Lorraine to take back his divorced wife, even though an obedient synod of prelates had permitted the king to espouse his mistress. Lothaire was joined by his brother the Emperor Louis, who led an army against Rome and even entered its gates. But so clear was the moral law in the case that the pope really won and the papal power was more strongly confirmed than before. Under Gregory

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VII the conflict of royal or papal supremacy became very insistent. When Gregory in 1075 decreed that no ecclesiastical office could be filled by a secular prince, the investiture controversy began and lasted until a compromise was reached in 1122. While the declared purpose of the decree was to stop simony and purify the papacy, its actual effect was to give the pope tremendous power in every country, by controlling its clergy and forcing princes to his will through fear of the interdict and excommunication. The fight began in dead earnest when Gregory VII summoned Henry IV of Germany to appear before the papal court for disregarding papal decrees. When the king did not at once obey he was excommunicated and his subjects absolved from obeying him. The pope won for a time, through fostering discontent and gratifying the ambitions of nobles and prelates in Germany, but later Henry, who had humbled himself before the pope at Canossa, fought back. Nevertheless the papal power was really advanced, and finally through many vicissitudes papal authority triumphed with the fall of the Hohenstaufens in 1254.

In the Twelfth Century the prestige of the popes expanded by leaps and bounds. It was at its culmination under Innocent III from 1198 to

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1216. He claimed the right to judge between rival contestants for a throne, and decided the place of Philip, Otho IV and Frederick II. Philip Augustus of France was compelled to take back his wife and dismiss a noble mistress after France was put under an interdict. In England King John was forced to take his kingdom as a fief of the Roman pontiff and to become his vassal. Spain and Portugal, which the Christians took from the Moors, were made papal dependencies on the plea that lands conquered from infidels were at the disposal of the Roman see. By an undue extension of this claim Henry II of England received authority from the pope to conquer Ireland, although at that time the Irish were not infidels but only failed to conform to the Roman ritual. The King of Aragon with splendid ceremony accepted the vassalage under which the pontiff put him. In short everywhere the spiritual supremacy of the pope was acknowledged as containing within itself political sovereignty.

But a century later began the decline of the actual papal power. Boniface VIII opposed the policies of Philip the Fair of France. He demanded exemption of the property of the church from taxation. But the king, with the support of nobles and ecclesiastics, defied the contention

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of the pontiff, that taxes could be levied on the church property only with the consent of the Roman see. In the confusion of these days in Italy the pope moved to Avignon, but even there he lost out, and the great schism of 1378 to 1415 came about. While this was healed the time arrived when the feudal order began to weaken, and the national states of France, England and Spain began to rise. The popes still continued to make their large claims until the time of the Reformation. When the Roman see lost its spiritual power over Germany, England, and the Scandinavian countries it was very much hemmed in. The princes in Germany gained their right after the bloody struggle of the Thirty Years' War. The Netherlands were freed from the Spanish domination and thus from papal control. A new age had dawned. More and more the claim of papal power, although never surrendered, became less effective. The modern nations, even when they are friendly to the Roman see, are not controlled by it. In modern France the state has again and again asserted its liberties, and banished Roman Catholic groups of the monasteries. Of late Mexico has sent away all foreign prelates. The temporal power of the

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papacy at present is not even strongly effective in Italy since the rise of the Italian kingdom. The friendliness of Mussolini to the Roman see has not essentially changed this attitude. The Roman papal state no longer exists and in actuality the pope is no longer a real, political world influence, no matter what efforts he puts forth to regain political world power.

CHAPTER VI.

The Papal Claim

IN general the events of history follow the course that is determined by their many causes uninfluenced by any theory. But in the encroachment of the church theory accompanied and followed events, and in turn affected happenings. Thus there arose certain conceptions and claims about the church and the state that centered about the papacy. There are a few early utterances of the Fifth Century, but it is in the Ninth Century that Agobard of Lyons and Hincmar of Rheims begin to stress the church's right. The discussion is earnest in the time of Hildebrand, continues through the Twelfth Century, and reaches its height in the writings of Pope Innocent III. The court of appeal is found in the Old Testament in which the history of the children of Israel was supposed to prefigure the life of the church. The quotations are taken almost exclusively from the books of the old covenant with their theocratic basis. The state is directly under the laws revealed by God, and is controlled

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by the manifestation of the divine will through priests and prophets. The Old Testament state, as interpreted by the church's theologians, becomes the example that is followed by the theorists of politics and the state.

At first sight the mediaeval theory followed the New Testament conception of rendering to Caesar the things of Caesar, and to God the things of God. It affirmed a dual authority and asserted that there were two powers. Pope Gelasius in the Fifth Century, as quoted by Gratian,¹ said: "The Mediator between God and men, the man Christ Jesus, by marking out the methods and dignities appropriate to each, so distinguished between the duties of the two powers . . . that the Christian emperors should need the priests for the sake of eternal life, and the priests should make use of the imperial laws for the course of temporal affairs only." The passage continues thus: "In order that spiritual action may be free from carnal interruptions, and thus that 'no man who warreth for God should entangle himself in the affairs of this world' (2 Tim. 2:4); and in turn that he who has been involved in secular business should not be seen directing what is divine." Hincmar taught that Jesus could have

¹Decretum Gratiani, Dist. 10, can. 8 and Dist. 96, can. 6.

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become both priest and king like the pagan rulers, but he chose not to combine the two powers. After his ascension no king presumed to exercise priestly rights, and no priest dared to mingle in royal powers.² Jesus was held by Innocent III³ to have separated the powers of priest and king as found in Melchizedek, and the rights of king and prophet as found in David, because he was descended both from priestly and royal lineage. Two species of authority are implied when Innocent III uses the simile of sun and moon to illustrate the priestly and royal prerogatives; the two swords shown to Jesus by the disciples (Luke 22:38) are also used to exhibit the two powers.

But after every allowance is made for the dogma of the two powers, it will be found that the main emphasis is put upon the supremacy of the priestly authority as embodied in the pope. The appeal to the theocratic order of the Old Testament is sustained by stressing the supremacy of the sacerdotal power. The same Pope Gelasius, who distinguished between the two powers, wrote to the Emperor Anastasius: "There are two systems under which chiefly this world is governed, the sacred authority of the priests and the royal

²Capitula apud S. Macram, Cap. I.

³Innocent III., Responsio Nuntiis Philippi. Reg. de Neg. Rom. Imp. 18.

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power. Of these the greater weight is with the priests in so far as they will answer to the Lord even for kings in the last judgment.”⁴ Hincmar in the discussion of the divorce of Lothaire says that the sinful kings like all wrongdoers must be judged by the priests “who are the thrones of God, in whom He has His seat and through whom He decrees His judgments.”⁵ He claims that Christ gave such plenary power to the church in the saying: “Whatsoever ye shall bind on earth shall be bound in heaven; and whatsoever ye shall loose on earth shall be loosed in heaven.” (Matt. 18:15ff.) The Old Testament is cited to show that God continually used the prophets either as messengers of wrath or mercy. Samuel announced divine judgment to Saul, Nathan did likewise to David, and Ahijah to Jeroboam. In the law of Moses the Levites are set aside as a court of last resort. Innocent III turned the simile of the sun for the priestly power and the moon for the royal right into an argument for the superiority of the priestly prerogative, from which all light is derived as from the sun. Boldly he asserted the utmost claims of papal power, and tried to support them with every possible argument.

⁴Mansi, *Sacrorum Conciliorum Collection*, VIII. 31.

⁵*De Divortio Lotharii et Tethbergae*, Quaestio VI.

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Deuteronomy 17:8-12 was quoted and interpreted to prove, that civil as well as ecclesiastical questions should properly be referred to the papal see for decision. Noah was used as captain of the ark to symbolize the priesthood, and Abel's offering received acceptance because he performed a sacerdotal act in bringing the firstlings of his flock.

In Gregory VII the papal claim found a great defender. In a letter to Herman of Metz^{*} he maintains, that kings and princes cannot cast out devils, cannot rescue from eternal damnation the soul of a dying sinner, and they must themselves come to the priests for baptism and absolution. Royalty cannot heal lepers, make the blind to see, nor raise the dead. Therefore the priestly power far surpasses the princely dignity, as the body is superior to the soul. When Christ said to Peter "Feed my sheep" (John 21: 15ff.), He gave pastoral authority to the pope through Peter over all men including kings. Urging the sinful origin of secular rule Gregory claimed power and jurisdiction over things temporal as well as spiritual. The priests are the fathers and masters of all mankind. At the Council of Nice Constantine sat below the humblest of bishops and said that

^{*}Reg. lib. VIII. epist. 22.

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he was subject to their judgment. In Manegold, a priest of Lautenbach in Alsatia, Gregory found a powerful defender. Manegold wrote a book called *Ad Gebehardum Liber* in which he argues that while the office of a king is sacred the holder may forfeit his right to it. When a king becomes a tyrant he forfeits all rights. At times Manegold speaks for the rights of the people but in the end he exalts the power of the pope. There is always a limitation to royal authority but the authority and right of the church and the pope are given absolute value.

John of Salisbury in his famous work *Polycraticus* attempts to write a philosophy of politics. After examining what to him seems wrong in the life of the state he projects his ideal scheme. In the effort to find an ethical basis for the state he reverts to the monarchy of the old Roman Empire. In the prince the state is incarnate and he must uphold the law. His aim must be to strive to interpret justice in the sense of equity, as the perfect adjustment of things. Moved by the love of justice his pleasure has the force of law because his sentence does not differ from the mind of equity. The sovereign is "an image of the divine majesty on earth. . . . All power is of the Lord God . . . the power of the prince is there-

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fore in such wise of God that it is still His, though it be exercised through the hand of a deputy." But when the prince has been exalted as highly as possible there follows the greater authority of the church from which he derives all the power he wields. The high rank of the king finally testifies to the dignity and authority of the church whose servant the king is and remains. From the church the prince receives the sword of blood and he wields it for the church. The priest retains the spiritual sword. "The prince, therefore, is indeed the servant of the priesthood, and performs the part of the sacred duties which seems unworthy of the hands of the priesthood. For while every duty of divine laws is religious and holy, nevertheless that of punishing crimes is inferior and seems in a way to represent that of the executioner."⁷

John of Salisbury tries to make a distinction between a king and a tyrant in a more definite form than had ever been attempted. A tyrant is one who does not conform to the law, or who abuses his power. Tyrannicide is permissible as shown not only in pagan history but also in the Old Testament in such instances as that of Eglon and Holofernes. But the individual who kills the

⁷Polycraticus, lib. IV. cap. 3.

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tyrant must do so without offense to religion and not use poison, as there is no precedent for this in the Scriptures.⁸

Thomas Aquinas endeavored to unify the political ideas of Aristotle, the Stoics, Cicero, the Imperial Jurists, and St. Augustine. He starts with the notion of law as "an ordinance of reason for the common good, promulgated by him who has the care of a community."⁹ Along with the eternal law, God's controlling law of the universe, Aquinas posits natural and human law. Human law is the application of natural law to particular earthly conditions. Law is the expression both of reason and will. But all human law must remember the eternal law, and the divine law, which is the will of God as revealed in the Old and New Testament. Thomas Aquinas approaches the problem of the state more definitely in his *De Regimine Principum*, The Rule of Princes, espe-

⁸It is interesting to note how tyrannicide is endorsed in the church. Thomas Aquinas holds that it is very dangerous and may injure the people as much as the continuation of tyranny. The people only who elect a king can withdraw his right. The Jesuit Suarez maintains that a tyrant or usurper, whatever his conduct, may be killed by any citizen if there is no other means of curbing his power. With this Mariana agrees. The Reformed theologian Beza admits tyrannicide, and Bodin allows it as permissible in theory, but questions it in practice. Mazzini while believing that there are exceptional moments in the life of nations in which actors can take their inspiration only from their conscience and God, nevertheless discourages tyrannicide. There can be no real moral and religious justification of tyrannicide whatever may be the necessity of a revolution. The church entered a very dangerous path as far as some of its teachers encouraged the killing of tyrants.

⁹Summa Theologica, II. i. 90, 4.

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cially in Book I, chapters I, II, and XV. Among other statements Aquinas says: "If it is natural to man to live in a numerous society it is necessary that there should be provision for ruling such a society." A king must be the one to rule, and every city or province should be ruled by one king. As the end of human life is goodness and happiness the king must strive to further this true end. "It pertains to the duty of the king to make the life of the multitude good." "The king having learned the divine law, ought to study especially how the multitude subject to him may live well." While all these statements seem to give the state and the king their right place, it must be remembered finally, that the primary dogma of Aquinas allowed the ecclesiastical organization an overwhelming preeminence over all human authority. The effort was made to demonstrate this through reason. The reasonable method was indicated by Aristotle. According to it we must define the function of the king as that of governing. But to govern is to bring the thing governed to its true end. We must therefore discover the true end of man. This is not, as supposed by Aristotle, to live in accordance with virtue, but rather to obtain the eternal enjoyment of God through virtue. The function of the king and his political power

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would be adequate if man could reach eternal joy through mere human goodness. But because the final end of man can only be reached through a higher goodness it demands a more than human government, and this higher rule is the sacerdotal. Therefore the temporal life over which the king is supreme must be guided to the higher and final end of man, and consequently the king is subject to the priest under the law of Christ.¹⁰

This argument of Thomas Aquinas was the view of the early church as to the greater value of life eternal as compared with the earthly existence. Because the saving of souls is infinitely more important than the health of natural life, the savers of souls are in the same degree more worthy of honor and power than the healers of the body. Ambrose said that the glory of the princes is to the glory of the bishops as the brightness of lead to the brightness of gold. This word became an often repeated argument of the sacerdotal claim. The priests were more important than the laymen, and kings were laymen. The laity was thought to be more open to temptation and sin than the clergy, and they needed clerical direction and censure. The direction which princes must seek from the clergy is, how best to

¹⁰De. Reg. Princ. I. at end.

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protect the church and its ministers, and how to advance the cause of the church in every way. When the controversy was at its height to establish the preeminence of the bishops and the pope, the "Decretum Gratiani" used the untrue story of the Donation of Constantine. The gist of this fable was that Constantine the Great had conferred all imperial authority in the West upon Pope Sylvester after the removal of the court to Constantinople. Sylvester thus was raised above all kings in the West, but many defenders of the papacy did not admit this story because it traced some of the pontifical authority to man. The papal power was claimed to have been given by God directly, and it was only the acme of the supremacy of the priestly power as compared with the political.

All of the claims for the control of the state by the pope gain infallible and unchanging meaning through the declaration of the Vatican Council of 1870, that the pope when he speaks *ex cathedra* is infallible as the voice of the Holy Spirit. This declaration is held to be only the explicit expression of what was always implicit. When certain opinions are uttered by the Roman see that are not directly decrees they dare not contradict decrees. In reality all directions and

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syllabi have an official character and cannot rightly be exempted from the class of infallible utterances. In the light of this position we can cite a few declarations of mediaeval popes. Pope Nicholas V (1447-1455) gave King Alphonse of Portugal the right to conquer all Saracens, heathen, and other enemies of Christ and "to bring their persons into eternal slavery, and to use for himself and his descendants, and to take his property for the use and advantage of himself and his descendants, all kingdoms, dukedoms, etc." This action was endorsed by Calixtus III and Sixtus IV.¹¹ Alexander VI declared to Ferdinand and Isabella of Spain: "Out of free inclination, not upon your request or that of others, but from pure generosity, and out of the fulness of apostolic power, we give you and your descendants all islands and continents, discovered and undiscovered, by drawing a line from the North Pole to the South Pole, which is distant one hundred miles to the south and the west from the Azore islands."¹² Paul IV (1555-1559) declares: "Out of the fulness of apostolic perfection of power, we order, determine and define: 'All kings and emperors, who become heretics or

¹¹Reynaldus, *Annal. eccles. ad a. 1454*, n. 8: XVIII. 413.

¹²Bullar. Rom. Pont. Ed. Aug. Taur. 1860, V. 361.

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schismatics, are to be deprived of their royal and imperial dignity without any further formality of right, and they can never again obtain it.'"¹³ Pius V (1566-1572) published the following bull: "The Ruler on High bestowed the one holy and apostolic church, outside of which there is no salvation, upon a single one on earth, namely the apostolic prince Peter, and to the successor of Peter, the Roman Pope. This one He placed as prince over all people and realms, that he might tear out, destroy, scatter, reduce to nothing, plant and build, in order that the true people, united with the bond of mutual love, might be kept together in the unity of peace and preserved for his Savior wholly and without damage."¹⁴ This fulsome declaration is then followed by an anathema upon Queen Elizabeth of England. She is declared to be deprived of all royal power, and all her subjects are freed from all obedience to her, and from every oath of loyalty.

Such utterances and bulls are not only a mediaeval tradition, but down to the present day the pontiff publishes like declarations. There are three modern popes, Pius IX, Leo XIII, and Pius X that reassert the temporal authority and

¹³Bull. Rom. Pontif. Ed. Ang. Taur. 1860, VI. 551.

¹⁴Mirbt, Quellen zur Geschichte des Papstums, 2 Aufl. 266ff.

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the supremacy of the papacy. In the famous Syllabus of 1864 Pius IX condemns the proposition: "The church does not have power of using force nor any direct or indirect temporal power." (Error 24). He also rejects in Error 42 the judgment that "In a conflict of the laws of either power (church or state) the civil law should prevail." In the same Syllabus we find the rejection of the error that: "The church is to be separated from the state and the state from the church." (Error 55). One of the applications of the papal power over states was the anathema which was declared against the Prussian May Laws on February 5th, 1875. The condemning clause was: "We declare to all who are concerned, that those laws are not valid (*irritae*) because they altogether conflict with the divine order of the church."¹⁵ Leo XIII declares, in the Encyclical "Sapientiae Christianae" of January 10, 1890: "In the affairs of the state, which cannot be separated from the moral law and religion, we must constantly and chiefly keep in mind what is serviceable for the interest of Christianity. . . . For this reason the church cannot be indifferent as to what laws are valid in the various states, not because they are laws of the state, but because at times

¹⁵Hahn, *Geschichte des Kulturkampfes*, p. 165.

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they transgress the legal limits and encroach upon the right of the church. Then it is her holy duty to resist, when an ordinance of the states does harm to religion, and to use every effort that the spirit of the gospel may permeate the laws and ordinance of the nations."¹⁶. The interpretation of the spirit of Christianity is always and infallibly made by the Pope. When we turn to Pius X we learn from his allocution of November 9, 1903, that politics is connected with the teaching office of the pope. "In truth every fair-minded judge sees that the pontiff is never to separate a political character from the magistracy which he exercises over faith and morals." Prior to these words Pius X says in the same allocution: "It is our office to guide every one, not only those who obey but also those who rule, since they are all descended from one Father, in their private as well as public life, in social as in political relations in accordance with the norm and rule of morality." In the "Motu proprio" of December 25, 1903 Pius declares among other things: "And we, who recognize no less than our predecessors the great necessity, that the public action in a Christian people be correctly guided, demand an accur-

¹⁶Rundschreiben vom heil. Vater Leo Freiburg i. Br. 1893. III. Samml.

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ate and complete observance of these wise prescriptions. And from these let no one dare to depart in the future." On every occasion the popes sought to carry out these principles in every state. The fundamental error in the papal domination is the identification of the Roman Catholic Church and its dogma with the Kingdom of God. Violence is done to the New Testament ideal of the Kingdom, and at the same time the Roman Church lays claim to be a super-state. The independent right of the state is denied in theory. The church becomes involved in all political problems and loses its spiritual purity and power. It is this old struggle to rule the state which has hindered the spirit of Christ from influencing the state in a contact of freedom. The church ought to inspire to good political action, but it ought not to command it through domination and the claim of superior power. It is wrong when the church strives to be a commander of law and power, instead of an inspirer of truth.

CHAPTER VII.

Dante's Dream

POETS are dreamers of the truth; they dream of reality and see visions of the eternal.

The great poets, whose creations belong to permanent literature, dream the most vital dreams. Among the world figures in poetry, who will never be forgotten, Dante occupies no small place. He saw through the love of Beatrice into the mysteries of the beyond. In the woodland solitude of Fonte Avellana he wrote of the shadows, the gloom, and the darkness of the Inferno with more power than he imagined the glories of paradise. Into the Inferno he put many enemies that were opposed to him and his conceptions. The very factions of Florence helped to shape his poetic fancies. But Dante was not only a poet but also a publicist. In the treatise *De Monarchia* he laid down about 1311 his thoughts of empire, for he belonged to the imperialists who defended the state as empire against the papacy. When the contentions of the Ghibellines, the followers of the emperor,

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and of the Guelfs, the party of the pope, were at their height Dante was drawn into their strife again and again. His family belonged to the anti-imperial group of the Guelfs, but he turned from the Guelfs to the Ghibellines. At heart Dante wished for the end of the long, bitter and bloody strife, but he did not for a time know who could put an end to it, whether Henry VII or Boniface VIII. He was never bitter against the papacy, but called the Pope: "Successor of Peter," "Pilot of Peter's Ship," "Chief Shepherd," "Father of Fathers," "Gate-Keeper of the Kingdom of Heaven," "Husband of the Church," and "Vicar of Christ and of God." But all of these titles did not finally deter Dante from believing that not the pope but the emperor had the divine commission of the Roman people to rule the world.

For the realization of his dream of peace for the world Dante Alighieri did not look to the present or future, but to the past. He wanted a rebirth of the old Roman Empire, and through his genius he developed the most thorough and complete philosophy of imperialism. All the former arguments for the emperor are restated, and so systematized as to present an impressive conception of the imperial ideal. The dualism of Augustine is set aside, and from the meta-

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physics and politics of Aristotle, from Roman and Jewish history, from civil and canon law, and from the stories of Scripture and its texts, Dante draws abundant illustrations. At the beginning of chapter II of Book I he outlines the problems of his three books of the *De Monarchia* thus: "First, therefore, we must see what is it that is called temporal monarchy, in its idea, so to speak, and according to its purpose. Temporal monarchy, then, or, as men call it, the Empire, is the government of one prince above all men in time, or in those things and over those things which are measured by time. Three great questions are asked concerning it. *First*, there is the doubt and question, is it necessary for the welfare of the world? *Secondly*, did the Roman people take to itself by right the office of monarchy? And thirdly, does the authority of monarchy come from God directly, or only from some other minister or vicar of God." These three questions are answered in turn in the three books.

Taking his departure from Aristotle Dante endeavors to show that temporal monarchy is necessary for the welfare of the world. The Aristotelian conception of the end is used and combined with the idea of functioning. Starting from nature the ultimate and distinct quality of man is

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sought. "The ultimate quality of men is not existence taken simply; for the elements share therein. Nor is it existence under certain conditions; for we find this in minerals too. Nor is it existence with life; for plants too have life. Nor is it percipient; for brutes share in this power. It is to be percipient with the possibility of understanding, for this quality falls to the lot of none but man, either above or below him. For though there are other beings which with him have understanding, yet this understanding is not as man's, capable of development. For such beings are only certain intellectual natures, and not anything besides, and their being is nothing other than to understand; which is without interruption, otherwise they would not be eternal. It is plain, therefore, that the distinguishing quality of humanity is the faculty or the power of understanding."¹ But this understanding is to lead men to realize that it is indispensable for mankind to live in calm and tranquility of peace which can only be attained under the rule of a single head. "It is manifest that of all things that are ordered to secure blessings to men, peace is the best. And hence the word which sounded to the shepherds from above was not riches, nor pleasure, nor honor, nor

¹Book I. Chap. III.

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length of life, nor health, nor strength, nor beauty; but peace. For the heavenly host said: 'Glory to God in the highest, and on earth, peace to men of good will.' Therefore also, 'Peace be with you,' was the salutation of the Savior of mankind. For it behooved Him, who was the greatest of saviors, to utter in His greeting the greatest of saving blessings. And this custom His disciples, too, chose to preserve; and Paul also did the same in his greetings, as may appear manifest to all."² This peace that will end destructive strife will only come to fruition in a world monarch who can exercise the maximum of power through the maximum of justice.³

Through the rule of peace brought about by the Emperor of the world empire men will find not merely concord of peace and happiness through the dominance of one imperial will, but they will also obtain vital freedom. "It is therefore again manifest that this liberty, or this principle of all our liberty, is the greatest gift bestowed by God on mankind; by it alone we gain happiness as men; by it alone we gain happiness elsewhere as gods. But if this is so, who will say that humankind is not in its best state, when it

²Book I. Chap. IV.

³Book I. Chaps. XII-XVI.

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can most use this principle? But he who lives under a monarchy is most free . . . Men exist for themselves, and not at the pleasure of others, only if a monarch rules; for then only are the perverted forms of government set right, while democracies, oligarchies, and tyrannies, drive mankind into slavery, as is obvious to any who goes about among them all; and public power is in the hands of kings and aristocracies, which they call the rule of the best, and champions of popular liberty.”⁴ But it was only “Under the divine Augustus, who was sole ruler, and under whom a perfect monarch existed, that the world was everywhere quiet. And that then the human race was happy in the tranquility of universal peace, this is the witness of all writers of history; this is the witness of famous poets; this, too, he who wrote the story of the ‘meekness and gentleness of Christ’ has thought fit to attest. And last of all, Paul has called that most blessed condition ‘the fulness of the times.’ ”⁵ With this thought the transition is made to the second book, which seeks to prove that the Roman people had world authority through right (*de jure*) and the will of God.

It was the hold which the old Roman Empire

⁴Book I. Chap. XII.

⁵Book I. Chap. XVI.

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had upon the imagination of men that moved Dante to see in it the hope of mankind. What the Roman Empire had done once for peace and tranquility it could do again. If this state could be re-established how great would be the happiness of men. The church as a wagon would rest upon the beam of the Empire. The past glorious history of Rome when the heroes embodied great virtue and fine nobility justified it. When the Romans conquered the results were always for the public good.⁶ Their laws were always just and considerate, and many were the examples of private virtue, self-devotion and public spirit. The victims of the Dacian house, and the remarkable sacrifice of freedom's sternest guardians, the Catos, proved the greatness and moral soundness of Rome. In all this history there was the sanction and approval of divine providence. "The people which triumphed over all the other peoples that contended for the empire of the world, triumphed by the judgment of God."⁷ In the great contest between Alexander, Pyrrhus and Hannibal, the Romans won the prize as they fought for justice. God gave His sanction to the duels of the mighty "co-athletes" and decided

⁶Book II. Chap. VI.

⁷Book II. Chap. IX.

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through the duel. "What is acquired by duel is acquired by right."⁸ In addition there was the confirmation by miracles, as e.g. the ancile of Numa, the geese of the Capitol, the escape of Clelia, and the hail-storm which checked Hannibal. Rome became the city of the world. And finally the principles of Christianity and the doctrine of the atonement confirmed the right of the Roman Empire. Christ, who bore the sins of the world, could only have accomplished complete expiation through a punishment imposed by an authority that ruled the whole world. The fact that He suffered under Pontius Pilate, the vicar of Tiberius, demonstrates conclusively that the Roman Empire was universal *de jure*.⁹

Dante reaches the purpose of his whole treatise in the third book of *De Monarchia*. With all earnestness he combats the theory of the supremacy of the papacy after the manner of the Fourteenth Century. The great Reformation of the Sixteenth Century is foreshadowed. In approaching the arguments for the question, whether the pope bestows power upon the emperor, or whether the authority of the monarch of the world depends directly upon God, Dante finds it

⁸Book II. Chap. X.

⁹Book II. Chap. XI.

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necessary to oppose those who strive against the truth. He enumerates them thus: "First, the Chief Pontiff, Vicar of our Lord Jesus Christ and the successor of Peter, to whom we owe, not indeed all that we owe to Christ, but all that we owe to Peter, contradicts this truth, urged it may be by zeal for the keys; and also other pastors of the Christian sheepfolds, and others whom I believe to be only led by zeal for our mother, the church. These all, perchance from zeal and pride, withstand the truth which I am about to prove. But there are certain others in whom obstinate greed has extinguished the light of reason, who are of their father the devil, and yet pretend to be sons of the church. They not only stir up quarrels in this question, but they hate the name of the most sacred office of prince, and would shamelessly deny the principles which we have laid down for this and the previous questions. There is also a third class called Decretalists, utterly without knowledge or skill in philosophy or theology, who, relying entirely on their decretals (which doubtless, I think, should be venerated), and hoping, I believe that these decretals will prevail, disparage the power of the empire."¹⁰ With Aristotelian logic Dante presses forward

¹⁰Book III. Chap. III.

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to his contention, that the authority of the empire does not have its rise in the authority of the supreme pontiff. As a consequence of this argument it must follow that the power of the empire depends directly upon God. But he thinks it necessary to offer further proof for this claim. There are two ends in life, the blessedness of this life, and the blessedness of life eternal. Different means must be employed to reach these two goals. The first is attained through philosophy if we live in accordance with moral and intellectual virtues. The second demands spiritual lessons which are given in the revealed truths made manifest by the Holy Spirit. Therefore man needs two guides to attain the two ends. The supreme pontiff should lead men to eternal life, but the emperor is to guide men to happiness in this world. "And since none, or but a few only, and even they with sore difficulty, could arrive at this harbor of happiness, unless the waves and blandishments of human desire were set at rest, and the human race were free to live in peace and quiet, this therefore is the mark at which he who is to care for the world, and whom we call the Roman Prince, must chiefly aim at."¹¹ To the imperial place "God alone elects, God alone confirms; for there is none

¹¹Book III. Chap. XVI.

higher than God. And hence there is the further conclusion, that neither those who now are, nor any others who may, in whatsoever way, have been called 'Electors,' ought to have the name; rather they are to be held as declarers and announcers of the providence of God."¹²

The whole position of Dante takes a static view of history in true mediaeval fashion. But the hands of time cannot be turned back to the old empire. There is no consciousness of the final impossibility of a world-empire, and Dante does not sense the danger of his proposal. He over-emphasizes the divine character of the empire and fails to allow for the human ordinances. His chief merit is, however, the rescue of the independence of the state from the pope, and the defense of the truth to render unto Caesar the things that are Caesar's. His desire for peace and liberty strives to find true Christian ideals.

¹²Book III. Chap. XVI.

CHAPTER VIII.

The Democratic Demand

THERE are certain ruling tendencies and ideas which bring about the movement and direction of human history. Among these one of the most powerful and beneficial is the democratic ideal. It appeared in some of the practical endeavors of the Greek republics. The theory was present in the Roman law for the legal writers declared that the emperor was the representative of the people. But it was in the midst of the long controversy between pope and emperor that there arose one of the greatest prophets of democracy. This seer was Marsiglio of Padua, of whom Poole said, that he wrote "the greatest and most original political treatise of the Middle Ages."¹ He was medical doctor, a soldier, and an archbishop of Milan. The latter position ought to have inclined him toward the papacy, but he was an ardent imperialist. His interest, however, in political theory was larger than the immediate defense of the emperor.

¹Illustrations of the History Mediaeval Thought, p. 265.

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Nevertheless the historical impetus that affected Marsiglio was the long dispute between Lewis of Bavaria and Pope John XXII. Lewis and a cousin of Lewis contended about the German crown. The Pope, egged on by the King of France, refused to sanction either and nominated a third candidate. Out of this grew not only debate, but also civil strife. In the conflict Lewis of Bavaria won by defeating Frederick of Austria at Muehl-dorf in 1322. Thereupon Lewis claimed the right of an emperor in Italy. The papal court at Avignon excommunicated Lewis and his followers, and put an interdict on the territories that recognized him. The literary feud accompanying warfare only ended with the death of Lewis in 1347. In this contest Marsiglio stood on the side of the emperor.

Another act of Pope John XXII also set Marsiglio against him. In 1322 John XXII condemned the tenet of evangelical poverty which was held by the strong Franciscan order, and ended the practise of the friars through which they rose to wealth despite their vows. The Franciscans most violently denounced the pope, and they had their defenders and sympathizers in Marsiglio, John of Jandun, Michael of Cesena and William of Ockam. All possible theological

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skill and keen dialectics were used to fasten heresy upon John XXII. Because of this attack the opponents of the pope were not safe in Italy or France and fled to the court of Lewis where they kept on their literary warfare. The whole character of the attack was rather against the pope than for the emperor as such. In the list of the numerous works put forth in this controversy the one outstanding treatise of permanent value was the *Defensor Pacis* (Defender of Peace). It is generally ascribed to Marsiglio although John of Jandun was collaborator, but perhaps Marsiglio after all deserves the main credit. The *Defensor Pacis*, which suggests the plea for peace in Dante, is a treatise that does not fit in with the prevalent notions of the Middle Ages, but it rather suggests the political views of the Reformation and the Revolution. It is radical for its day and defends its views with keen dialectic.

The book contains a lamentation of the turbulence and disorder of the age, and castigates luxury, extravagance, and the pursuit of wealth. Over against these it exalts the Franciscan ideal of evangelical poverty. The basic thought of the state is derived from Aristotle, and his historical explanation of the origin of the state from the family is adopted. From one family there arise

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many families, and from one town come many towns. Then all sorts of occupations become necessary and there is a demand for a real commonwealth. Over this a prince must be placed to guide it, but his office should be elective. Prior to the interest of the prince must be an understanding of what the state is. "The state according to Aristotle, is a perfect community, comprising every element of sufficiency in itself, and instituted not merely for the sake of living, but of living well. . . . To live and live well—that is, as is befitting for man—has been customarily regarded under two aspects—the temporal or mundane, and the eternal or celestial. What eternal life is the whole company of philosophers have not been able to show; nor is it among the things which are manifest in themselves; therefore, the philosophers have not concerned themselves with teaching the things which are essential to that sort of life. But concerning living and living well, in the mundane sense of the good life, and concerning the things which are essential to that life renowned philosophers have given an almost complete demonstration. They have reached the conclusion that for fulfilling that life a civil community is necessary."² In order to avoid trouble

²Book I. Chap. IV.

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and strife in the community the rule of justice must be introduced and a guardian or protector set up. For the direction and guidance toward the future life as promised through supernatural revelation the state must provide teachers. The whole basic theory is summarized thus: "Men are associated together for living sufficiently—that is, to obtain the things which are necessary to themselves and to transmit such things from generation to generation. This congregation in its perfected form, containing the limit of sufficiency in itself, is called the state."³

The important contribution of Marsiglio is found in his emphasis upon the supreme legislative authority of the people. Among other things he says: "According to truth and the opinion of Aristotle, the legislator—that is, the effective and peculiar creator of the law, is the people,—or the majority of them—acting through election, or more directly through vote in general assembly of the citizens, commanding that something be done or omitted in the field of human social conduct, under pain of temporal punishment. By majority I mean the greater part of the community over which the law is to prevail. The whole body of citizens, or the majority of them, either make

³Book I. Chap. IV.

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law directly or commit this duty to some one or few; the latter do not, and cannot, constitute the legislator in the strict sense of the term; they act only in such matters and for such periods as are covered by the authorization from the primary legislator. Laws, and anything else established through election, require the approbation of no other authority, and need no ceremonies or solemnities that are not demanded by the electors or that are not necessary to a valid election.”⁴ This theory which puts the source of authority and law in the control of the people makes the prince simply the executive instrument of the assembly. He is responsible to the people for administering the law, and his election reminds him that his authority flows from the people or electors who chose him. The legislator can punish or depose the ruler or prince for violations of the law. This is in contradiction to the juristic maxim; “The king can do no wrong” or in mediæval terms “*Princeps legibus solutus*.” (The prince is free from the laws). The imperial office as such does not play any part in this fundamental section of the theory of Marsiglio. There is no room for a hereditary monarch or an im-

⁴Book I. Chap. XII.

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perial house. This was a far extension of the democratic idea in an imperial and papal age.

What Marsiglio conceives the state to be affects his idea of the church. In fact the true conception of the church is the chief topic of his treatise. From the conception of the state, as resting upon popular sovereignty, he passes to the church, and he carries over his democratic notions into the idea of the church. The church is conceived of as the community of believers. It is a social unity created by God, and to it alone and persons and acts connected with it can the term "spiritual" truly be applied. When temporal affairs are at stake no spiritual value in the sense of the church can be posited. It cannot be proved that Christ conferred upon the church, and especially upon the popes, any control of temporal matters in the state. The issue is not what could Christ confer, but what he intended to confer and did confer. He did not actually assign to the church power over men in their relation to the state, nor over the state as such. The power of the keys, and the authority to bind and loose, include no temporal control. They do not even bestow spiritual authority upon the priesthood. The priest does not actually forgive sin and remit penalties. God alone can remit sins, and the priest is merely to

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certify to the divine act. He is not the bearer of the keys of the Kingdom of God, but simply a turnkey (claviger), a humble servant. In the power of the keys priest and pope are alike.

In the whole church the totality of the people, under God, are the ultimate authority. Their will is to be expressed in the general council, which should be the assembly of all Christians or of their delegates, so selected that every important province shall be represented in proportion to the number and character of its inhabitants. The laity as well as the clergy must have a part in the deliberations, but the voice of the clergy is especially to be listened to on account of their training in the divine law. Whatever a general council determines by majority vote shall stand. Thus the Scriptures are to be interpreted, worship regulated, church offices filled, and the sentence of excommunication passed. Corresponding to legislation in the state is the legislation of the supreme assembly of the general council. All officials of the church from the pope down to the humblest acolyte are subject to the decrees of the general council. The priest is not essentially above the layman. In this determination of the place and power of the general council Marsiglio again, as in the state, exalts the legislative authority above

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the executive. It is the "fidelis legislator humanus" (the faithful human legislator) who possesses the final power, and the multitude of the faithful are the source of authority. Through it the priest holds his local appointment although he has received a certain power through his ordination.

Marsiglio goes back to the New Testament and follows Jerome in asserting that presbyter and bishop are synonymous terms in the apostolic church. Episcopacy does not belong to the essence of the church, but is simply desirable for the sake of unity and order. In reality all priests are equal in power. The source of all trouble has been the wrong theory of papacy. The popes have claimed supreme authority upon wrong assumptions. Against the will of Christ they have sought the dignity of secular men, have broken forth in legislation separate from the body of citizens, and have decreed all the clergy exempt from secular law. Thus schism was introduced into the state, a plurality of sovereign governments created within the state, and human peace disturbed. Under this plague the Italian kingdom has suffered. The pope has no right to appeal to Peter, for Peter exercised no jurisdiction over the other apostles, nor did he have any connection

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with Rome. The papacy cannot trace its origin to the Bible, but it is simply an office made for the convenience of the church. Because other churches went to Rome for advice Rome used this practise, and misinterpreted it as a precedent of power. Papacy may be allowed if it takes a parallel place with princedom. The pope should not have the plenitude of power, and the removal of such authority will take away the source of fruitful strife. The wrong desire of governing by the pontiff has long vexed Italy and destroyed its peace and tranquility. The pope must have no voice in the election of prince or emperor, for his office is purely spiritual. The conditions must cease by which ecclesiastics are not subject to the state, and through which popes or bishops absolve the subjects of a state from the oath of allegiance, and destroy real patriotism.

Marsiglio is also an advocate of toleration, for he holds that the gospel is doctrine and not law. Therefore the acceptance of the gospel cannot be enforced through any authority. The church cannot coerce any believer or unbeliever to follow the precepts of the gospel. It is wrong to punish heretics unless their heresy does damage and inflicts injury upon the state. The only ground for punishment is the transgression of human law.

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Marsiglio does not consider it lawful for any man to judge a heretic or misbeliever, or compel him to any pain or punishment in the state of this life. No man though he sinneth ever so greatly against any manner or discipline, speculative or practical, is punished in this world precisely in that he is such a one; but in that he sinneth against human law.

The *Defensor Pacis* is the most radical attack upon the papal power. It forms the inspiration that led William of Ockam to stress the right of the people and their political power through their representatives. William of Ockam influenced the philosophy of Luther and made the latter a nominalist, but Luther did not develop the political theories of Marsiglio and Ockam. Marsiglio was the thinker who applied to the life of the state the religious tenet of the priesthood of believers which the Reformation stressed. He was a man far ahead of his age in political thought. The remarkable place which he gives to the people has made him an outstanding advocate of democracy. But in the application of the democratic principles he at times allowed the emperor too much right. In his democratic ideal of the church he was sane as he put the decision of men under the truth of God. There is a more balanced theory of democ-

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racy in Marsiglio than in many moderns. The denial or neglect of the truth, that the state belongs essentially to the life of man, and is in its essence, but not in its form, willed by God, has reduced much democracy to naturalism. Vox populi is vox Dei only when the people follow the righteous will of God. Government can justly rest upon the consent of the governed when the governed are ruled by divine ideals of justice. The governed may determine policies of the state, but they do not create it even though they may fix its specific form. The Christian ideal cannot assent to the derivation of the state from the desire or will of man. The necessity of the state lies in the moral order of the world as willed by God.

CHAPTER IX.

Luther's Legacy

CONSPICUOUS characters in history leave large legacies to future generations. Among those of whom this is true Martin Luther occupies a prominent place. His greatest bequests to mankind are spiritual and belong to the Kingdom of God. He was instrumental in ushering in the modern age by asking for individual assurance of faith, and seeking certainty of salvation, not through the organized church, but through the truth of the living word of God revealed in the Scriptures. His conception of the state is incidental to his spiritual message. It is drawn from the Bible, and in it we can note the influence of his predecessors who opposed the papacy. But Luther's views are also modified by the situations which confronted him, and the conditions which he had to meet. His place in Germany and his life in Saxony under an elector made him the defender of the right and place of the small prince as over against the emperor. The attitude of Charles V, who sought to uphold the

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prerogatives of the pope, and the issuance of the Bull of Excommunication by the pope, drove Martin Luther out of the Roman church. It made him a patriotic advocate of German rights, and a strong pleader for German patriotism. At the beginning Luther did not reject the pope, but when the papal delegates attempted to browbeat him into submission, and when every appeal for reformation in doctrine and life in the church failed, he realized that there was no hope within the Roman church. But still he remained until he was ejected. His whole spirit was conservative although his language was often very forcible and violent. He was rather a prophet than a calm philosopher. All his sayings have teeth.

Luther holds that the state exists through the will of God. This is the contention of his treatise on Secular Authority,¹ in which he argues as follows. St. Paul writes: "Let every soul be subject unto the higher powers," and St. Peter exhorts: "Submit yourself to every ordinance of man for the Lord's sake." The right of the sword existed from the beginning of the world. When Cain killed his brother Abel he was so afraid of being put to death, that God had to provide a special

¹Von weltlicher Oberkeit, wie weit man ihr Gehorsam schuldig sei. (1523) Weimar ed. Band 2, p. 229ff.

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prohibition. Cain must have heard from Adam that murderers are to be executed. After the flood God said: "Whoso sheddeth man's blood, by man shall his blood be shed." The law of Moses confirmed this as we read in Exodus 21:14, 23-25. Christ said: "All they that take the sword shall perish by the sword." It may seem that the teaching of Christ about non-resistance in Matthew 5:38, 39, 44 contradicts the power of the sword. But the human race is to be divided into two classes, one belonging to the Kingdom of God, the other to the kingdom of the world. The former, embracing all true believers in Christ and living under Christ, need no worldly sword nor law. If the world were made up of true Christians there would be no necessity for prince, king, lord, sword or law, for the Christians having the Holy Ghost in their hearts would suffer wrong gladly and do wrong to no one. The righteous need no law as Paul teaches.

But since there are few who are true Christians in faith and life God established temporal power and civil government, and gave the sword that the wicked might be compelled to be orderly. Christians render obedience to the government through love of others who need it. And a Christian may wield the sword, when called upon to maintain

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peace among men and to punish evil. God instituted two governments, the spiritual which through the Holy Spirit under Christ makes pious people, and the temporal which warns non-Christians and the wicked that they must keep external peace. Neither is sufficient in the world without the other, for without the spiritual estate of Christ no one can be good before God through the worldly estate. Civil government alone is not enough, but still the sword is a great and necessary utility to maintain peace, punish the evil-doers, and restrain the wicked. The value of the state is also emphasized in Luther's *Address to the German Nobility*,² where the state is designated as a fellow-member of the Christian body and a truly spiritual estate. The state, it is claimed, is a necessity for man, and existed from the beginning of the race as an essential part of the divine economy for the benefit of the external life of man in society. The civil government deserves our loyalty and obedience within its legitimate jurisdiction as truly as the church. We must distinguish between legitimate and illegitimate constitutional and unconstitutional government, and be willing to have wrong governments cor-

²An den christlichen Adel deutscher Nation von des christlichen Standes Besserung. (1520). Weimar ed. Band 6, p. 381ff.

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rected. But it is not the function of the church to interfere in the life of the state. The state is not dependent upon the church, but has its own significant right and its special spiritual value. Therefore Luther in teaching the people about the Ten Commandments enjoins obedience to all in the state as implied in the Fourth Commandment.

Luther is a strong advocate of the sovereignty of the state which it does not derive from the church. In a very famous passage in *The Address to the German Nobility*³ he says: "Forasmuch as the temporal power has been ordained by God for the punishment of the bad and the protection of the good, therefore we must let it do its duty throughout the whole Christian body, without respect of persons, whether it strike popes, bishops, priests, monks, nuns, or whoever it may be. If it were sufficient reason for fettering the temporal power that it is inferior among the offices of Christianity to the offices of priest or confessor, or to the spiritual estate—if this were so, then we ought to restrain tailors, cobblers, masons, carpenters, cooks, cellarmen, peasants, and all secular workmen, from providing the pope or bishops, priests and monks, with shoes, clothes, houses, or victuals, or from paying them tithes.

³Weimar ed. Band 6, 381ff.

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But if these laymen are allowed to do their work without restraint, what do the Romanist scribes mean by their laws? They mean that they withdraw themselves from the operation of temporal Christian power. . . . Although the work of the temporal power relates to the body, it yet belongs to the spiritual estate. Therefore it must do its duty without let or hindrance upon all members of the whole body, to punish or urge, as guilt may deserve, or need may require, without respect of pope, bishops, or priests, let them threaten or excommunicate as they will. . . . It is, indeed, past bearing that the spiritual law should esteem so highly the liberty, life, and property of the clergy, as if laymen were not as good spiritual Christians, or not equally members of the church. Why should your body, life, goods, and honor be free and not mine, seeing that we are equal as Christians, and have received alike baptism, faith, spirit, and all things? If a priest is killed, the country is laid under an interdict; why not also if a peasant is killed? Whence comes this great difference among equal Christians? Simply from human laws and inventions." Luther thus attacked the special privilege of the clergy in the state from the angle of the equality of all Christians as spiritual priests and kings before God.

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In the defense of the sovereignty of the state Luther assails the pope for collecting the annates, which were the incomes from the first half year of all benefices. These taxes were to be applied to fighting the Turks, but were diverted to the payment of many offices in Rome. In the *Address to the German Nobility*⁴ Luther vigorously says: "The bishops and princes should remember that they are Christians, and should defend the people, who are committed to their government and protection in temporal and spiritual affairs, from these ravenous wolves in sheep's clothing, who profess to be shepherds and rulers; and since the annates are so shamefully abused, and the covenants concerning them not carried out, they should not suffer their lands and people to be so piteously and unrighteously flayed and ruined; but by an imperial or national law they should either retain the annates in the country, or abolish them altogether." Continuing the Reformer shows how the pope takes livings and benefices, and claims that the compact has been broken by the pontiff. Further on he urges: "Let it be decreed that no temporal matter shall be submitted to Rome, but that all shall be left to the jurisdiction of the civil authorities. This is a part of their own canon

⁴Weimar ed. Band 6, p. 381ff.

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law, but they do not obey it." By settling civil matters at Rome all countries suffer and much injustice is done. The pope should not control the state. "The pope should have no power over the emperor, except to anoint and crown him at the altar, as a bishop crowns a king; nor should the devilish pomp be allowed that the emperor should kiss the pope's feet, or as it is said, hold his stirrup or the reins of his mule, when he mounts to ride. Much less should he pay homage to the pope or swear allegiance, as is impudently demanded by the popes, as if they had a right to it."

A strong emphasis is put by Luther upon obedience to the state and those in authority. When Danish nobles and the citizens of Luebeck revolted against Christian II, Luther advises to obey even if the king should be wrong. "Were everyone who is right to punish the wrongdoer himself, what a spectacle we would have in the world! Then we would see the servant strike the master, the maid the mistress, the child the parents, the scholars the teacher. That would be a praiseworthy state of affairs! What need would there be for law and temporal authority ordained by God?" It is admitted in the treatise *On Secular Authority*, that "An intelligent prince has been a

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rare bird, and a pious one a still rarer. They are usually the greatest fools or the worst scoundrels on earth." Nevertheless in a sermon *On Tribute to Caesar*⁵ Luther preaches thus: "Civil authority must not be reviled because princes and tyrants may oppress their subjects and misuse their God-given office. They will surely be required to render an account thereof. The abuse of a thing does not make a thing evil that is good. . . . In like manner we must endure the authority of the prince. If he misuse or abuse his authority, we are not to entertain a grudge, seek revenge or punishment. Obedience is to be rendered for God's sake, for the ruler is God's representative. . . . Civil authority is instituted by God to maintain public peace, which of itself is of greater value than all estate in the entire world."

Luther has been attacked again and again for his attitude in the Peasant's War. Before the peasants arose in revolt Luther had forcibly criticized the rulers, who oppressed the peasants through their harsh treatment and unjust laws and taxes. But when there was an organized rebellion Luther called upon the princes to suppress the murder and pillage and general lawlessness.⁶ He

⁵Walch ed. XI. 1802ff.

⁶Wider die raeuberischen und moerderischen Rotten der Bauern, (1525), Weimar ed. Band 18, p. 344ff.

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appeals urgently and violently thus:⁷ "The maxims that appeal to mercy belong to the Kingdom of God and among Christians, not to the kingdom of the world, which is the instrument of godly wrath upon the wicked. The instrument in the hand of the state is not a garland of roses or a flower of love, but a naked sword. As I declared at the time I still declare; Let every one who can, as he may be able, cut, stab, choke, and strike the stiff-necked, obdurate, blind, infatuated peasants; that mercy may be shown toward those who are destroyed, driven away, and misled by the peasants; that peace and security may be had. It is better to mercilessly cut off one member rather than lose the entire body, through fire or plague. Furthermore the insurgents are notoriously faithless, perjured, disobedient, riotous thieves, robbers, murderers and blasphemers, so there is not one of them but has well deserved death ten times over without mercy." This is surely a violent, stern appeal, but it is well to remember the motive back of this outbreak. Luther well knew that an uprising like that of the peasants would be charged to the Reformation, as it actually was then and even now by some historians. He could

⁷Ein Sendbrief vonden harten Buechlein wider die Bauern. (1525). Weimar ed. Band 18, p. 375ff.

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not brook a misinterpretation of reform as a revolt. In the same manner as he opposed the attitude of Carlstadt and Muenzer, who started to destroy churches and images in them through a false conception of the liberty of the gospel, so he could not bear a rebellion in the civil order, because it was destructive of orderly progress and sane reform. It must be admitted that Luther did not appreciate the forces that he had let loose, nor did he apparently estimate at its full value the social and economic unrest which had long been brewing.

But despite this strong attitude of Luther against revolt he recognized the right of reform according to constitutional principles. He thinks that if laws binding a ruler are disregarded or violated he is subject to account or dismissal from office. Lands unlawfully held by a prince may be taken from him. Should disputes arise between the emperor and the electors as to their rights the question ought to be submitted to the jurists. Self-defense is justifiable in some cases of tyranny. When a prince is wrong no subject is under obligation to support and fight for him. If the emperor should violate his oath and not perform his duty he may be formally deposed by the electors. But prior to any such formal action he must be

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respected and obeyed.⁸ Luther was personally willing to obey the emperor and appear before him. His advocacy of resistance to the state was never that of a rebellion by any group of men, but only an orderly resistance in accord with the law. The conservatism of Luther does not make him an advocate of revolution even in the manner of Locke. It is an utter misrepresentation of the position of Luther when Lord Acton says:⁹ "The great fact which we have to recognize is that with all the intensity of his passion for authority he did more than any single man to make modern history the development of revolution."

The protection and defense of justice is not all that Luther assigns to the state. He wants the rulers, especially of the cities, to establish schools in which languages and religion are to be taught. His idea of the school of the state is not a purely secular one. Nevertheless he does not want the state to interfere in religion. In his treatise *On Secular Authority*¹⁰ he states among other things: "Temporal government has laws that do not reach farther than over person and property and what is external on earth, for God will not permit

⁸Brief vom 15 Jan. 1531, an Wenceslaus Link, Walch ed. XXI. a1616. Schrift vom 15 Feb. 1531, an Lazarus Spengler, Walch ed. X. 570. Brief an den Kurfuersten Johannes, Maerz 1530, Walch ed. X. 572ff.

⁹Lectures on Modern History, p. 105.

¹⁰Weimar ed. Band II. p. 229ff.

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any one to rule over the soul of man but Himself. Therefore where temporal power presumes to give laws to the soul, it touches God's rule and misleads and destroys the souls. . . . Moreover, let men thereby understand that every authority should and may concern itself only where it can see, know, judge, sentence, transform and change; for what kind of a judge is he to me who would blindly judge matters he neither hears nor sees? Now tell me, how can a man see, know, judge, sentence, and change the heart? For that is reserved God alone. A court should and must be certain when it sentences and have everything in clear light. But the soul's thoughts and impulses can be known to no one but God. Therefore it is futile and impossible to command or to compel man by force to believe thus or so. Faith is a matter concerning which each one is responsible for himself; for as little as another man can go to heaven or hell for me, so little can he believe or not believe for me; and as little as he can open or close heaven or hell for me, so little can he drive me to belief or unbelief." All disputes of faith must be settled by God's word. "If that avail nothing, temporal power will never settle the matter, though it fill the whole world with blood. Heresy pertains to the spiritual world.

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You cannot cut it with iron, nor burn it with fire, nor drown it in water. You cannot drive the devil out of the heart by destroying, with a sword or fire, the vessel in which he lives. This is like fighting lightning with a blade of straw." And yet Luther will not allow any one to traduce the gospel. Men cannot be compelled to believe, but the magistrate must bind over to silence any one who speaks against the gospel without open proclamation of his faith.¹¹

The merit of Luther on behalf of the Christian theory of the state is his emphasis upon the state as divinely willed, and as also in its way a spiritual estate, upon the duty of obedience and reverence for those who rule, upon the function of justice in the commonwealth, and upon the limits of state power particularly in matters of faith. The position of Luther also helped toward the formation of the modern national states. Laski well says:¹² "The modern state, we urge, is the outcome of the religious struggle of the sixteenth century; or, at least, it is from that crisis that it derives the qualities today most especially its own. The notion of a single and universal authority commensurate with the bounds of social life was

¹¹Letter to Thomas Fischer, Aug. 26, 1519. Currie, *Letters of Luther*, p. 47.

¹²*Authority in the Modern State*, p. 21.

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utterly destroyed when Luther appealed to the princes in the interest of religious reform. External unity was destroyed to be replaced by a system of separate unities and the weapon of divine right was the instrument he forged to that end." But with this service to the state conditions arose not in Luther's intention which put the church again under the state. When the bishops in Germany, differing from the bishops of the Swedish Reformation, did not accept the evangelical doctrine, Luther felt compelled to call upon the princes. He called them as the chief members of the church, and bishops of necessity. Gradually this entailed the control of the church by the various provincial electors and princes. Until very lately the Protestant churches of the continent of Europe were, therefore, subject to the state, which either enforced orthodoxy or allowed heresy, and in many ways hindered the life of the church. The development in England was more fortunate, even though Henry VIII began a reform from purely personal and uxorious motives. The rise of The Independents, and later of Wesleyanism modified the power and influence of the Established Anglican Church, although there were periods of hard struggle.

CHAPTER X.

Calvin's Conception

IN the circle of the Reformers of the Sixteenth Century no one was marked by a keener intellect, a stricter logic, and a larger power of systematic thought than John Calvin. He gave much consideration to political theory. The experiences of his life and the nature of his training fitted him especially for careful, clear and harmonious exposition of a consistent system. A native of northern France he was endowed with the French quality of clarity in form of statement and brilliance of thought. First he prepared for the priesthood, but as he found himself differing more and more from the Roman church he turned to law. When he heard of the evangelical movement in Germany and learned about it, he left the Roman church and aligned himself with the Reformation. After this decision he was not permitted to remain in France, and thereupon went to Geneva, which he made a great religious centre in thought and government. There he established a theocratic rule in 1542. His conception of

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church and state he set forth in *The Institutes of the Christian Religion* published in 1535. This was to be a complete manual of divine truth and a guide of the doctrines of the Bible for the soul. Because Calvin feared, as did Luther, the fanatical teachers, who derived extravagant spiritual doctrines and revolutionary social teachings from the Bible, he wrote what seemed to his juridical mind an orderly and authoritative statement of Biblical truth. He became the great lawgiver of the Reformation, dominated by the sense of God's sovereignty and His absolute will by which He either accepts or rejects men. The political theory of Calvin is found in Book IV of *The Institutes* especially in the last chapter.

It is in the eleventh chapter of Book IV, that the argument begins, however, with the claim, that the spiritual mission of the church calls for a government and discipline suited to its peculiar character. This government must be distinct from that demanded by secular aims, and it shall be free from secular concern. If discipline is necessary the final penalty should be excommunication vested in an assembly of elders. But secular rule is as necessary as ecclesiastical. Men must not interpret the liberty of the gospel as opposing civil government. "For some, on hearing

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that liberty is promised in the gospel, a liberty which acknowledges no king and no magistrate among men, but looks to Christ alone, think that they can receive no benefit from their liberty so long as they see any power placed over them,"¹ "But he who knows to distinguish between body and soul, between the present fleeting life and that which is future and eternal, will have no difficulty in understanding that the spiritual kingdom of Christ and civil government are things widely separated."² "Still the distinction does not go so far as to justify us in supposing that the whole scheme of civil government is a matter of pollution, with which Christian men have nothing to do . . . The kingdom of Christ, in some measure, begins the heavenly kingdom in us, even now upon earth, and in this mortal and evanescent life commences immortal and incorruptible blessedness, while to the civil government it is assigned, so long as we live among men, to foster and maintain the external worship of God, to defend sound doctrine and the condition of the church, to adapt our conduct to human society, to form our manners to civil justice, to conciliate us to each other, to cherish common peace and tranquility."³ "Let no one be surprised

¹Institutes, Book IV. Chap. XX. par. 1.

²Book IV. Chap. XX. par. 1.

³Book IV. Chap. XX. par. 2.

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that I now attribute the task of constituting religion aright to human polity, though I seem above to have placed it beyond the will of man, since I no more than formerly allow men at pleasure to enact laws concerning religion and the worship of God, when I approve of civil order which is directed to this end, viz, to prevent the true religion, which is contained in the law of God, from being with open impunity violated and polluted by public blasphemy."⁴ The first care of the magistrates must be to protect piety and to allow no laws which disregard the rights of God. Calvin practised what he taught when he advocated the execution of Servetus, who denied the Trinity. All the provocative temper of Servetus does not excuse this act. But it is the necessary outcome of Calvin's doctrine of the control by the state of religion in accord with the doctrine of the prevailing church. This is essentially the Roman position.

Calvin enjoins unquestioning obedience to the rulers in terms even more emphatic than Luther. All princes even those that do wrong are to be obeyed. "If we have respect to the word of God it will lead us farther, and make us subject

⁴Book IV. Chap. XX. par. 3.

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not only to the authority of those princes who honestly and faithfully perform their duty toward us, but all princes, by whatever means they have so become, although there is nothing they less perform than the duty of princes.”⁵ God sends evil rulers as a punishment. “We need not labor to prove that an impious king is a mark of the Lord’s anger, since I presume no one will deny it. . . . But let us insist at greater length in proving what does not so easily fall in with the views of men, that even an individual of the worst character, one most unworthy of all honor, if invested with public authority, receives that illustrious divine power which the Lord has by His word devolved upon the ministers of justice and judgment, and that, accordingly, in so far as public obedience is concerned, he is to be held in the same honor and reverence as the best of kings.”⁶

But Calvin reminds the princes that God holds them responsible while constantly reiterating the duty of unquestioning obedience. But finally an exception is made to the absolute submission to the ruler. Calvin says:⁷ “But in the obedience which we hold to be due to the commands of rulers, we must always make the exception, nay,

⁵Book IV. Chap. XX. par. 25.

⁶Book IV. Chap. XX. par. 25.

⁷Book IV. Chap. XX. par. 32.

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must be particularly careful that it is not incompatible with obedience to Him to whose will the wishes of all kings should be subject, to whose decrees their command must yield, to whose majesty their sceptres must bow." The Lord is ultimately King of kings whom all must hear and obey.

We cannot fully appreciate Calvin's theoretical position unless we remember how he applied it in Geneva. When Calvin came to Geneva it had definitely freed itself from the power of Savoy and from the authority of the Roman Catholic Church. The political and social conditions were in confusion, but Calvin's ability as organizer, his political insight, and his moral earnestness, soon secured for him leadership which he used to make an ideal city according to his view. His plan of organization at first aroused such opposition that he was banished, but he was recalled and after many a struggle against his opponents succeeded in establishing his model commonwealth. It was theocratic in principle and aristocratic in operation. The citizens were at the same time a church and a state. There was a double central authority. The first was a board known as The Venerable Company, composed of the ministers and professors of theology to rule the church. The second was a board called The Consistory, made up of the

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ministers and twelve elders chosen by the chief administrative council of Geneva out of its own members. This council of twenty-four stood at the head of a series of councils into which the people of the city were organized. Apparently the civil government was democratic, but in the last resort the lower councils had little influence upon the chief council of twenty-four. The Venerable Company and The Consistory, who managed the worship and moral discipline of the community, were aristocratic in form. The ministers in both boards were chosen by The Venerable Company and the confirmation by the body of the people was more formal than effective. The system enforced by the rulers of Geneva was the strictest type of Puritanic life. Frequent church services were prescribed and attendance was compulsory. No one had political rights who failed to attend worship. Marriage was minutely regulated, jewelry and long hair were prohibited, gay colors, especially red, and new fashions were forbidden, luxury of banquets and all entertainments were put under careful restrictions. All transgressions of these and many other rules were punished with fines and public humiliations. The members of The Consistory were required to visit homes and to punish infractions of the moral

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code. The criminal law was very severe. Blasphemy⁸ entailed burning at the stake. Frivolous speech, reading improper books, and cruelty to animals were subject to hard penalties. The cases which The Consistory could not handle were given over to the civil power. The elaborate dual system often entailed interference, and there was no definite separation of powers, so that harmony did not always prevail between the civil and ecclesiastical jurisdictions.

Calvin in common with the other Reformers put a just emphasis upon the spiritual nature of the state and its necessity to human society, according to God's will. He goes back to the order of nature, and holds that in keeping with it right and order belong together. The order of nature produces the right of nature. God's will has called into being and organized the order of nature out of His infinite wisdom. The moral law is the witness of the natural law. Through it God testifies in our consciences. The order of nature and its right is of God who is also its protector and guarantor. The perpetual, inviolable, and indestructible law of nature is epitomized in the Ten Commandments. There is thus unity

⁸Blasphemy often meant attack upon the prevailing doctrines.

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between natural law and revealed law, natural religion and revealed religion. God who planned and made the natural order also determined man and his whole life. Order which is heaven's first law must also be the law of the state. In general this attitude attempts, though in an abstract philosophic manner, to lay the foundation for the divine intention of the state. Modern historical study will not permit the identification of natural morality with the ethics of revelation. But the approach to the defense of the spiritual nature of the state is rather to show its inner necessity in history, and its benefit for man. From these facts we can infer the wise and good providence of God for man. The New Testament indications will confirm this inference.

The Christian principle of obedience to the rulers and princes is also a commendable part of the conception of Calvin. He was tested as to the willingness to apply this principle in reality. When the Huguenots were persecuted by Francis I of France Coligny endeavored to persuade Calvin to permit resistance to the king. Calvin did not consent, but wrote a letter of April 16, 1561, telling Coligny, that "if he shed a single drop of blood rivers of it would spread over the whole of Europe." A single prince should not revolt, and

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only if there were a general uprising of princes of the blood, of courts of parliament, and of all good subjects, might resistance be right as a matter of utmost necessity. Despite other features of the teaching of Calvin he never abandoned the accent upon passive obedience. But this part of his doctrine did not in the course of history make the impression, which his theory of the essential unity of state and church, as upheld by him in practise, effected.

It is interesting to note how one result of the teaching of Calvin gave the state power over religion. This position developed before him through the other Reformers. While Luther opposed all punishment for heresy, yet he allowed the state to stop private spread of dangerous doctrine.⁹ Melanchthon went one step further, and, though he maintained that the state is limited to external relations, he assigned to the secular power authority over heresy on the ground of blasphemy. In distinction from Luther, who desired utmost freedom in expression, Melanchthon made the public teaching of heresy the basis for the action of the civil magistrate. But where the question is doubtful he would have a council of lay and clerical members decide whether there has been real

⁹See above p. 99.

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heresy. Zwingli united state and church in a single organization. He could not accept as divine truth what the Anabaptists taught, and consequently the government of Zurich persecuted the Anabaptists with fire and sword. Calvin in assigning to the state the protection of what he considered divine truth further confirmed this tendency. The fact that both Lutheranism and Calvinism gave the state power over heresy led later to the theory of territorialism through the state church. According to this idea each prince or ruler could determine the religion of his land, as it was stated in the formula "*cujus regio, illius religio.*" (Whose the territory, his the religion). This principle not only ruled on the European continent, but brought about many of the persecutions in England on the part of the Established Church against Puritans, Independents and Presbyterians. It was also carried over to America by the Independents. While the Mayflower Compact expressed democratic principles they applied only to those under the compact. In the Province of Massachusetts there was no room for Anne Hutchinson with her doctrine of the Holy Spirit. Roger Williams was banished for failing to conform to the doctrine and practise of

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religion approved in the commonwealth. It was his experience of persecution that produced his famous "Bloody Tenent of Persecution." Governor Winthrop of Massachusetts in discussing liberty remarked about civil liberty: "The other kind of liberty I call civil or federal; it may also be called moral in reference to the covenant between God and man in the moral law, and the political covenants and constitutions among men themselves. This liberty is the proper end and object of authority, and cannot subsist without it, and it is a liberty to that only which is just, good and honest."¹⁰ The religious emphasis is not as innocent as it looks when applied in practise against those who are adjudged to have broken the covenant. In the Dutch Colony of New Netherland the Calvinist Bogardus, in the spirit of the Synod of Dort, used the state to prevent the Lutheran

¹⁰The attitude of Governor Winthrop was characteristic of the Massachusetts Bay Colony, which was to be the home of the Established Church directed by the clergy according to fixed English forms. The practise of the Plymouth Colony has been well and tersely described thus: "The most minute affairs of private life were subject to the searching scrutiny of the elders; prying, spying, and informing were raised to the height of prime diversions; swift and stern punishment was visited upon all who were guilty of blasphemy, drunkenness, sloth, or irregular conduct." (Chas. and Mary Beard, *The Rise of American Civilization*, p. 51.) Of the Virginia Colony it was said: "Its heart was set on the glory of God and the propagation of the Christian faith among them that sat in darkness. In their advertisements the officers of the Company were at pains to indicate that they wished only settlers of correct religious life. They also made careful provision for the maintenance of the religious habits they prized so highly; churches were built with such elaboration as their means allowed, and the practise of attending daily services was carefully enforced." (Chas. and Mary Beard, *The Rise of American Civilization*, p. 47.)

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preacher Goetwasser from being admitted to the colony. This conception of the state, mediaeval in character, has been in evidence again and again down to our day. In the anti-evolutionary law passed in Tennessee the attack against the teaching of evolution had as its background a religious interpretation of the book of Genesis. In reality the state was passing a law not only against a scientific view, but also in favor of a certain religious belief. Thus the state-control of religion has lived on, and hindered a real Christianization of the state.

Strange to say, Calvin not only perpetuated state interference in religion through the political theory of Calvinism and its political power, but he also aided in continuing church control over the state. In this position he agreed in substance with Rome much as he differed from it. Like the Roman Church of the Middle Ages he used the Old Testament freely for his political theories as well as for his religious convictions. This attitude made him theocratic, and all Calvinism after him, when true to form, has been theocratic. It desired in some way to rule the state. The boldness of Knox against Queen Mary was caused by his theocratic ideas. In an interview with the Queen in 1561 he claimed that rulers may be re-

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sisted if they exceed their bounds. He said to Mary: "Madam, it is no doubt but that they may be resisted, even by power. For there is neither greater honor nor obedience to be given to kings or princes than God has commanded to be given to father and mother . . . Or, think ye, Madam, that God will be offended with them that have stayed their father to commit wickedness? It is even so, Madam, with princes that would murder the children of God that are subject unto them. Their blind zeal is nothing but a very mad frenzy; and, therefore, to take the sword from them, to bind their hands, and to cast themselves in prison till they be brought to a more sober mind, is no disobedience against princes, but just obedience, because it agreeth with the will of God." But it was the church which was to declare this will of God. After the General Assembly in Scotland asked that kings should promote the true religion as required in the law of God, the Scots Parliament dethroned Mary. In this manner the church controlled the action of the state. To our own day there is a remnant of such Calvinism and Puritanism when churches make direct demands upon the state not merely for protection but also for certain, definite religious enactments. Lobbies

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at Washington of some Protestant churches are Calvinistic and Romanistic.

The whole attitude of Calvinism and Puritanism is legalistic. Because it interprets the will of God as law and not predominately as gospel it seeks betterment through law. It has come to mark much of our American reform, that is promoted by churches, which, impatient of the slow process of conviction of men, decide to create goodness through commands, enactments and prohibitions. Such a procedure colors Christianity in the eyes of men with the tint of a life of repression rather than a life of the joyous expression of the right. There is a failure to understand that men always react against law. Law is necessary to maintain order but it is no way to righteousness. Constant effort to spiritualize and moralize a nation through law inevitably leads to lawlessness. Whenever the church attempts to Christianize the state and its people through demands and enactments of law, it only brings about aversion to the very religion and morality it attempts to advance. The great lesson to be learned is that the way to Christianize the state is through the power of truth proclaimed and by testimony faithfully given

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on behalf of truth and righteousness. The church should inspire the state to accept the ideals of justice and love of the Kingdom of God. It should remain a preacher and teacher of truth and righteousness, but not attempt to become a lawgiver who uses compulsion instead of persuasion.

CHAPTER XI.

The Liberal State

AMONG all the various theories and conceptions of the state the largest appeal is made to the modern mind in the idea of the liberal state. The theory and the practise of the liberal state has helped the advancement of democracy both in republics and in monarchies. According to it the state is not the one all-absorbing social form which is to control every sphere of life. Large liberty and full freedom is the aim of the state founded upon and ruled by liberalism. Because the human mind became impressed by the relativity of all human affairs it could not consent to any idea which made for absolute authority. The same suspicion which arose against hierarchies moved men to consider it safer if the authority of the state did not demand a powerful political over-lordship. It is this trait which according to Hocking brought about political pluralism. "The state, it holds, must share fortunes of ascendancy with other aspirants. Now it is the state, now the church, and now the economic group

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that actually dominates in human society.”¹ Pluralism is the outcome of political liberalism. It reduced the function of the state, and is first cousin to the theory of “Laissez-Faire.” The English Manchester school could only formulate this idea in economics because of a prior liberalism of the conception of the state. The Laissez-Faire theory has been well defined thus: “Government had to maintain order, to restrain men from violence and fraud, to hold them secure in person and property against foreign and domestic enemies, to give them redress against injury, that so they may rely on reaping where they have sown, may enjoy the fruits of their industry, may enter unimpeded into what arrangements they will with one another for their mutual benefit.”²

At the very heart of liberalism lies the right of individuality which is to be hampered as little as possible. “Liberalism is the belief that society can safely be founded on this self-directing power of personality, that it is only on this foundation that a true community can be built, and that so established its foundations are so deep and so wide that there is no limit that we can place to the extent of the building. Liberty then becomes not

¹Man and the State, p. 87.

²Hobhouse, Liberalism, p. 81.

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so much a right of the individual as a necessity of society.”³ And thus “the function of the state is to secure conditions upon which citizens are able to win by their own efforts all that is necessary to a full civic efficiency.”⁴ This attitude of the liberal state makes it truly tolerant, and does not permit it to claim control over the church, or to institutionalize religion in its interest.

We must go back to some of the early defenders of the liberal state to find the fundamental statements of the theory. The two outstanding advocates of liberalism were two Englishmen of the seventeenth century, the one the great poet Milton, and the other the great philosopher Locke. Milton spent the larger part of the years from 1640 to 1660 in the production of political writings. He was active in the combat between Royalists and Puritans, and began his controversial career in demanding the complete separation of church and state, the abrogation of episcopal organization, and the substitution of a government in ecclesiastical affairs similar to the order of the Scotch Presbyterian Church. During the civil war he was on the side of the Parliamentary party. But when his own party passed the “Printing Or-

³Hobhouse, *Liberalism*, p. 123.

⁴Hobhouse, *Liberalism*, p. 158.

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dinance" in 1644, and appointed an official censor, he came under charges of contempt for having defended the right of divorce ⁵in a pamphlet without having obtained consent. Thereupon Milton wrote his famous *Areopagitica* in defense of freedom of speech and of writing as against censorship. After Charles I was executed Milton aligned himself with the republican group and published the well-known pamphlet on *The Tenure of Kings and Magistrates, etc.* He became an upholder of independency in the church, but in politics he supported the ruling party under the Commonwealth and the Protectorate. He was Secretary of Foreign Tongues in the Council of State. When dissatisfaction grew against Cromwell he tried to prevent the movement to recall Charles II by putting forth a plan for a permanent republican government. This plan he published in 1660 under the title: *The Ready and Easy Way to Establish a Free Commonwealth*. The position of Milton overcame the extreme theory of the Puritans known as Levellers. They desired the full rights of the people, and claimed that Parliament should be elected every two years by constituencies equal in population. Parliament was to remember that its powers were purely dele-

⁵This pamphlet followed Milton's own divorce.

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gated. But the failure of this party, and the incoherence of its ideas, did not make the famous "Agreement of the People," framed by the council of the army in 1647, effective.

Milton with great learning and logical power was the real defender of liberalism. He began by stating that "All men naturally were born free, being the image and resemblance of God Himself, and were by privilege above all the creatures, born to command and not to obey. And that they lived so, till from the root of Adam's transgression falling among themselves to do wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutual injury, and jointly to defend themselves against any that gave disturbance or opposition to such agreement. . . . This authority and power of self-defense and preservation being originally and naturally in every one of them, and unitedly in them all; for ease, for order, and lest each man should be his own partial judge they communicated and derived either to one whom for the eminence of his wisdom and integrity they chose above the rest, or to more than one, whom they thought of equal deserving; the first was called a king; the others magistrates; not to be their lords and mas-

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ters—but to be their deputies and commissioners.”⁶ “The power of kings and magistrates was only derivative, transferred and committed to them in trust for the people.”⁷ The king has no right to his crown by inheritance, nor is he only accountable to God, but the people choose him or reject him as they shall see fit, because he has his authority from the people, both originally and naturally for their good. From these definitions it is clear what a tyrant is. He is a ruler, who, whether he has obtained the crown rightly or wrongly, does not regard the law or the common good, but rules only for himself and his factions. In opposition to the dangers of monarchy Milton advocates a free commonwealth without a king or a house of lords.⁸ “The ground and basis of every just and free government—since men have smarted so oft for committing all to one person—is a General Council of ablest men, chosen by the People to consult of public affairs from time to time for the common good. In this Grand Council must the sovereignty, not transferred but delegated only and as it were deposited, reside.”⁹ The power ultimately is with the people. If it is by God that

⁶The Tenure of Kings and Magistrates, ed. of Morley, p. 358ff.

⁷The Tenure of Kings and Magistrates, p. 358ff.

⁸The Ready and Easy Way to Establish a Free Commonwealth (Morley), p. 431ff.

⁹The Ready and Easy Way, etc., p. 431ff.

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kings reign, it is rather by God that the people assert their liberty and authority.

A very important element in the political theory of Milton is his plea for liberty. In his argument for a free commonwealth he claims that liberty is either spiritual or civil. Of the former he says with fine tolerance: "As for spiritual, who can be at rest, who can enjoy anything in this world with contentment who hath not liberty to serve God and to save his own soul according to the best light which God hath planted in him to that purpose by the reading of His revealed will and the guidance of His Holy Spirit? . . . This liberty of conscience, which above all other things ought to be to all men dearest and most precious, no government is more inclinable not to favor only, but to protect, than a Free Commonwealth; as being most magnanimous, most fearless, and confident of its own fair proceedings."¹⁰ Milton also further claims that civil liberty, which allows the advancement of every person according to merit, is best secured and maintained in a free commonwealth by a rightly chosen general council. With all the power of which he is capable Milton argues for rational liberty in the *Areopagitica*. Among many arguments he asserts: "God commits the manag-

¹⁰The Ready and Easy Way, etc., p. 431ff.

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ing of so great a trust, without particular law or prescription, wholly to the demeanor of every grown man.”¹¹ Freedom belonged to the original gift of God to man in the bestowal of reason. “When God gave him reason, he gave him freedom to choose, for reason is but choosing; he had been else a mere artificial Adam, such an Adam as he is in the motions. We ourselves esteem not of that obedience, or love, or gift, which is of force; God therefore left him free, set before him a provoking object ever almost in his eyes; herein consisted his merit, herein the right of his reward, the praise of his abstinence.”¹²

On the foundation of this well-known and oft repeated argument for man’s liberty Milton builds the right of toleration, and the permission of differing views of faith, for they are the outcome of the desire to learn. “Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making. Under these fantastic terrors of sect and schism, we wrong the earnest and zealous thirst after knowledge and understanding which God hath stirred up in this city. What some lament of, we rather should re-

¹¹*Areopagitica*, ed. Morley, p. 322ff.

¹²*Areopagitica* (Morley), p. 322ff.

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joice at, should rather praise this pious forwardness among men to reassume the ill-deputed care of their religion into their own hands again.”¹³

Contemporaneous with Milton was the philosopher John Locke. He lived during the same restless period of conflict from Charles II to James II in which the struggle against Protestant dissenters raged so fiercely. Born and brought up in a Puritan family of an attorney and small landholder he became a student at Oxford when the dissenters were in control. The scholastic methods then in vogue did not appeal to Locke, but he rather turned to the new forces of liberalism, and rose to the position of a tutor in Christ Church in 1660. A new impetus came to him through the study of the philosophy of Descartes, and he was also moved to engage in experimentation in chemistry that led him to practice medicine for a short time. Toward the end of the sixties he was chosen as secretary by the Liberal Lord Shaftesbury. Through Shaftesbury, Locke came to know many public men and scholars in England and on the Continent. He followed Lord Shaftesbury into exile in France from 1675 to 1679, and after Shaftesbury's death in 1685 he lived in Holland until 1689. When the revolution had

¹³*Areopagitica*, p. 322ff.

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succeeded he returned to England. There he was given a public office and was much sought after by the political leaders of his day. It was while working on his great *Essay Concerning Human Understanding* that in 1690 he wrote *Two Treatises of Government* and *A Letter Concerning Toleration*. The *Two Treatises* contain his political theory. The first book of the *Treatises* rests upon Algernon Sydney's *Discourses Concerning Government* published after 1688. He opposes the monarchism of Filmer's *Patriarcha*. It is in the second book that Locke presents a constructive and systematic theory of the state. Much that he argues for is not new, but he gave his statements wide currency and far-reaching influence through the manner and spirit of his attractive presentation.

Locke begins by attacking the assumption of monarchical theory and goes back to Adam. He sums up the results of the first book thus: "It having been shown in the foregoing discourse; *First*. That Adam had not, either by natural right or fatherhood or by positive donation from God, any such authority over his children or dominion over the world, as is presented. *Secondly*. That if he had, his heirs yet had no right to it. *Thirdly*. That if his heirs had, there being no law of nature

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nor positive law of God that determines which is the right heir in all cases that may arise, the right of succession, and consequently of bearing rule, could not have been certainly determined. *Fourthly.* That if even that had been determined, yet the knowledge of which is the eldest line of Adam's posterity being so long since utterly lost, that in the races of mankind and families of the world, there remains not to one above another, the least pretense to be the eldest house, and to have the right of inheritance."¹⁴ These arguments prove against Filmer that we must seek another explanation of the rise of government. But prior to such an effort we must define political power. Locke says: "Political power, then, I take to be a right of making laws, with penalties of death, and consequently all less penalties for the regulating and preserving of property, and of employing the force of the community in the execution of such laws, and in the defense of the commonwealth from foreign injury, and all this only for the public good."¹⁵ With this definition clearly before us we must ask, what is the state of nature? It is "a state of perfect freedom to order their (men's) actions and dispose of their

¹⁴Book II. Chap. I.

¹⁵Book II. Chap. I. par. 3.

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possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or depending upon the will of any other man."¹⁶ The original condition is therefore, according to Locke, one of the utmost individual liberty. The fundamental right stressed is the right to one's property and person. The first and natural condition of man is "A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another, without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty."¹⁷

This description of the state of nature is in some aspects parallel to the ideas of Hobbes and Rousseau. In it there is to be no license for men are under the law of nature. This law, that wills the peace and preservation of mankind, at first

¹⁶Book II. Chap. II. par. 4.

¹⁷Book II. Chap. II. par. 4.

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put into every man's hands the right to punish the transgressors of the law. But this power of punishment is then put by delegation into the control of a magistrate, who acts for the community. Man must live in society, "but because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto punish the offenses of all those of that society, there, and there only, is political society where every one of the members hath quitted his natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it."¹⁸ The community then makes its rules and laws, and men give over to it their natural rights. "Men being, as has been said, by nature all free, equal, and independent, no one can be put out of this estate and subjected to the political power of another without his own consent. The only way whereby one divests himself of his natural liberty and puts on the bonds of civil society, is by agreeing with other men, to join and unite into a community for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and against any that are not of it."¹⁹

¹⁸Book II. Chap. VII. par. 87.

¹⁹Book II. Chap. VIII. par. 95.

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“And thus every man by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded by it; or else this original compact, whereby he with others incorporates into one society, would signify nothing, and be no compact, if he be left free and under no other ties than he was in before in the state of nature.”²⁰

This compact theory of society, unhistorical as it is, attempts to unite individual freedom with the necessity of the state. Men must unite in commonwealths, first, that there may be a common standard of right and wrong; secondly, that there may be a judge to decide differences according to established law; thirdly, that there be power to back up and support the sentence when right, and to give it execution. But it is necessary that there be limitation upon government. As its first function is the legislative, care must be bestowed to see to it, that the legislature does not transgress its powers. It dare not act arbitrarily over the lives and fortunes of the people. Justice must be dispensed in accord with promulgated standing laws, and not by extempore, arbitrary decrees.

²⁰Book II. Chap. VIII. par. 97.

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The supreme legislative power shall not take from any man any part of his property without his own consent. In order that the right balance be maintained there must be a separation of powers in the government. There are three powers, the legislative, the executive and the federative. The legislative power shall have the duty to direct how the force of the commonwealth shall be employed for preserving the community and its members. Because the laws which the legislature makes for this end are to have a lasting and constant force, and need perpetual execution, there must always be a power to execute. This power is often separated from the legislative. The federative power, which can make peace and war, leagues and alliances, and all transactions with persons and communities without the commonwealth, manages what is for the public good abroad. This is its distinction from the executive power which deals with the administration of internal affairs.²¹

This theory of three powers was later developed by Montesquieu into the idea of checks and balances. The Constitution of the United States rests upon the conception of three powers as balance over against each other, but it rightly sub-

²¹Book II. Chap. XII.

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stitutes for the federative power, which is really executive, the judicial authority.

Locke discusses the right of revolution very minutely and carefully. He is opposed to usurpation which consists in getting into one's possession what another has a right to. In all lawful governments persons are designated to bear rule, and this is as natural and necessary a part of government as the form of government. Consequently all governments have rules of appointing those who shall have the public authority. If this procedure is set aside anarchy results which is like having no form of government at all. But, on the other hand, alongside of usurpation tyranny may arise, which is the exercise of power beyond right, and using authority that nobody can have a right to. Where law ends tyranny begins. May a prince then be resisted, and under what conditions? Force cannot be opposed to anything but unjust and unlawful force. In some countries the person of the prince is sacred, and whatever he commands or does, his person is free from all violence, not liable to force, or any judicial censure or condemnation. But in this instance opposition may be made to the acts of inferior officers. The prince may put himself in a state of war with his people and actually dissolve the

government. There may be resistance to those who use unjust force and pretend to have a commission from the prince which the law does not authorize. If there be a government where the person of the chief magistrate is not sacred, remedy against unlawful acts may be sought through law. There can be no pretense of force except where there is hindrance of appealing to the law. Where the unlawful acts done by the ruling magistrates is upheld, and the law obstructed, men have a right to defend themselves, and to recover by force what is taken from them by unlawful force. If this affects few persons it will not disturb the government completely. "But if either these illegal acts have extended to the majority of the people, or if the mischief and oppression has lighted only on some few, but in such cases as the precedent and consequences seem to threaten all, and they are persuaded in their consciences that their laws, and they with them, their estates, their liberties, and lives are in danger, and perhaps their religion too, how they will be hindered from resisting illegal force used against them I cannot tell."²² In this situation revolution seems inevitable, because the govern-

²²Book II. Chaps. XVII, XVIII and XIX.

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ing power failed to consider the good of the people.

This whole theory of the liberal state had its historical support in the main direction of English development. From the days of the Magna Charta to the law of Habeas Corpus, and the Bill of Rights the liberal idea gained power despite the reactions under the Stuarts. When William and Mary, of the house of Savoy, came to the throne there was more liberalism than under the great Parliament and the Protectorate. And though the Hannoverian house was at first reactionary it turned into liberal channels under Queen Victoria, and has not been largely diverted despite the changes of the parties in power. The English liberal ideas found a place in the American colonies in Rhode Island under the guidance of Roger Williams. In Pennsylvania William Penn gave free shelter to all sorts of persecuted groups, for he recalled the stress under which the Quakers lived in England. To this day the right of small groups has been maintained in Pennsylvania by strong local sentiment and deeply seated individualism. South Carolina was influenced in its first constitution by the ideas of Locke. When the Declaration of Independence was published it rested upon the rights of the individual to life,

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liberty and happiness in accord with eighteenth century individualism. The spirit of toleration has increasingly gained influence. It was declared by our first President, George Washington. When the Presbyterians of New Hampshire and Massachusetts complained that the name of God was omitted in the Constitution, he replied that this "belonged to the churches, and not to the state." He maintained the theory of checks and balances which other early leaders also held. When Hamilton uttered his private fears and gave voice to his almost royalist predilections, they found some echo in the administration of John Adams in the Alien and Sedition laws. But Jeffersonianism overcame these tendencies, and our history moved on to the practice and the ideals of the liberal state.

The Christian elements in the liberal state are the maintenance of individual rights, the limitation of state power, the right of conscience, and the principle of political and religious toleration. But the dangers in the liberal state must also be considered. Individualism may become rampant, although this is not a present difficulty as the trend of events tends toward socialization of life, and in some cases almost to paternalism. Nevertheless there are still individuals who misconstrue their rights,

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and when they do not consider the social meaning of liberty they practically head towards lawlessness. It must be kept in mind that "Liberty rests on the spiritual nature of the social bond, and on the rational character of the Common Good."²³ While man can fulfill the claim of his personality, and overcome impulse by his own sense of right and wrong, nevertheless there must be a constant consideration of the common good. Liberty cannot be extended to the limit of the destruction of society. This is the aberration in the claim of the anarchist. And yet life is individual and Hocking cautions against too much restriction of liberty. He pleads for the value in some of the contentions of the theoretical anarchist, when he says: "Society stands to lose by every diminution of general freedom; for it runs the risk of checking its most original, and therefore most priceless, developments. Though not every divergent genius is a prophet, the prophets are bound to be among the divergent and intractable. Yet it is not in the name of the social welfare that the anarchist primarily pleads his cause. It is in the name of the individual's own destiny and right."²⁴ As we must guard the right use of liberty in the

²³Hobhouse, *The Elements of Social Justice*, p. 70.

²⁴*Man and the State*, p. 97.

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liberal state we must also keep away from undue extension of the right of revolution. The care of Locke has not always been preserved either in theory or practise. The outcome of liberalism in the history of many countries has been to make the state unstable and to excuse revolutions on every possible pretense. The only reason for revolution can be such economic restriction, and such encroachment on liberty, civil and political, as endangers the life and development of the state. Revolution in the Christian sense is only allowable on the same basis as taking the life of an individual in self-defense. The duty of obedience even under hard and adverse circumstances dare not be slightly disregarded. Finally the liberal state as advocated by John Stuart Mill and Spencer has become purely secular. The secular state in its full consequences not only over-emphasizes individual liberty, but also takes away the claim of any religious foundation of the state. It is liable to make the state atheistic, and then to seek to attack the church and its right to existence.

CHAPTER XII.

The Absolute State

THE exact opposite in theory and tendency to the liberal state is the absolute state. The purpose of absolution in the state is to give it a solid and lasting foundation. Individual rights are subjected altogether to the commonwealth, and in some cases they are almost lost sight of. Liberty is given a very restricted interpretation or set aside. The right, life and existence of the state become paramount, and tend to obscure, and even thrust aside other social forms in their privilege if not in their existence. Law is exalted and the sovereignty of the state becomes all-powerful. In theory there are to be no limitations to its power when it has once been established. In some speculations of the absolutist type the state takes the place, and demands the loyalty due only to the Kingdom of God. It is actually made God on earth through its claim of authority and power. The church either has no place in it at all, or it is made completely subservient to it in a degree never thought of, or

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demanded in the most pronounced forms of the state church. There are two philosophies that have been the underpinning of absolutism in the state; the one a strong materialism, and the other a highly developed idealism. Of the two the latter is the more dangerous and has actually become more effective. It is best represented in its advanced form by Hegel, while the materialistic basis has found its ablest protagonist in Hobbes.

Thomas Hobbes, the son of an unworthy clergyman, was born when the great Armada of Spain threatened England. He studied at Oxford, and then became tutor in the family of the Earl of Devonshire. He remained constantly with this family except during a short period when he tutored the Prince of Wales, who later reigned as Charles II, in mathematics. This teaching took place while Hobbes was in France whither he had fled during the Puritan Revolution. He was a royalist in sympathy, and his attitude affected his political theory. It was his definite purpose to show the necessity of the monarchy, but in his great book *The Leviathan*, published in 1651, he produced a comprehensive system of general political science. It had been preceded by his treatise called *De Cive* which appeared in 1647. Politically this was the time when the Puri-

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tans declaimed against tyranny, and formally demanded the right of resistance and tyrannicide. Feeling ran high and passion prevailed. Hobbes in his exile wrote his defense of royalty like a genuine closet philosopher. The foundation of all his thinking was thoroughly materialistic. Although he had been influenced by the mechanical philosophers, who gave the theory of Galileo their own interpretation, he was not really a scientist and had imbibed none of the spirit of Bacon. His method was mathematical in the manner of Euclid, and he attempted to prove his contentions by definition and deduction. He considered geometry to be the only science, and of it he said: "Geometry, which is the only science that it hath hitherto pleased God to bestow on mankind."¹ History taught him nothing, and it had for him no authority. There are few historical references in his works, and he despises any man "Who takes up conclusions on the trust of authors and doth not fetch them from the first items in every reckoning, which are the significations of names settled by definitions."² Hobbes is very acute in his definitions and makes careful and cogent chains of conclusions from them. Human

¹Leviathan, Chap. IV.

²Leviathan, Chap. V.

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experience and the ideas of other philosophers have absolutely no value for him.

In his fundamental book *De Corpore* he only posits two realities, namely, matter or body, and motion, and from these he endeavors to deduce all intellectual and moral phenomena. In the sixth book of *The Leviathan* a closer approach is made to the establishment of the connection of human nature with mechanistic philosophy. From the antithesis of appetite and aversion all passions or emotions are derived. Appetite and aversion are slight beginnings of motion in man stimulated by an object that creates the motions. If the object brings about appetite, or motion toward itself, it is good; if it produces motion from itself, or aversion, it is bad. From the consciousness of appetite or aversion all the emotions, such as joy or grief, hope or despair, courage or fear, etc., take their beginning. There is no real moral distinction of good or bad other than these motions. Of good and evil Hobbes says: "These words are ever used with relation to the person that useth them; there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves."³ And later in chapter XV he says:

³Leviathan, Chap. VI.

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"Moral philosophy is nothing else but the science of what is good and evil, in the conversation and society of mankind. 'Good' and 'evil' are names that signify our appetites and aversions; which in different tempers, customs, and doctrines of men, are different; and divers men differ not only in their judgment, on the senses of what is pleasant or unpleasant to the taste, smell, hearing, touch, and sight; but also what is conformable or disagreeable to reason, in the actions of common life." In continuing to destroy all separate moral rights Hobbes claims that even the same individual varies at different times and on different occasions.

On this materialistic elimination of the moral sense Hobbes seeks to establish human happiness. Happiness, or felicity, is said to consist in getting what any one from time to time wants. Life is not calmness and tranquility; it "can never be without desire nor without fear, no more than without sense."⁴ Therefore happiness is "a continual progress of the desire from one object to another, the attaining of the former being still but the way to the latter."⁵ The means for securing the objects of happiness constitute power, which may be superior endowment of body or

⁴Leviathan, Chap. XI.

⁵Leviathan, Chap. XI.

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mind, riches, reputation, friends, or the secret working of God which men call good luck. Any of these powers, or all of them, may be open to man, and will promote his happiness in varying degrees, but the greatest of all means for the obtaining of desires is the commonwealth, for it combines the powers of many men united by common consent. On this foundation and analysis of human motives and character Hobbes constructs his political theory. To the old terms of political philosophy he gives new meaning and novel relations. He discusses the state of nature, the right of nature, the law of nature, the contract theory, sovereignty, liberty, law, the church and the state, under this materialistic and mechanical idea. The *Leviathan* found no favor either in the eyes of the English or French theologians that surrounded Charles II in France. The charge of atheism was brought against Hobbes, and, fearing for the safety of his life in Paris, he fled back to England and put himself under the protection of Cromwell. In the state of nature, which is a logical and not a historical concept with Hobbes, men have a perpetual and restless desire of power after power, that only ceases with death. Every one strives to satisfy his appetite, and yet the diverse appetites balance each other, and thus a

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certain equality is secured. But none the less men are in endless quarrel and strife. "In the nature of man we find three principal causes of quarrel. *First*, competition; *secondly*, diffidence; *thirdly*, glory. The first maketh men invade for gain; the second, for safety; and the third for reputation."⁶ These causes of strife bring about a war of all against all (*bellum omnium contra omnes*). "It is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man against every man. For war consisteth not in battle only, or the act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of time is to be considered in the nature of war, as it is in the nature of weather."⁷ It may seem strange to man that nature should thus dissociate men, but let him but examine what he does. "Let him therefore consider with himself, when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house, he locks his chests; and this when he knows there be laws and public officers, armed, to

⁶Leviathan, Chap. XIII.

⁷Leviathan, Chap. XIII.

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revenge all injuries done to him; what opinion he has of his fellow-subjects, when he rides armed; of his fellow-citizens, when he locks his doors; and of his children and servants, when he locks his chests. Does he not there as much accuse mankind by his actions as I do by my words?"⁸ "To this war of every man, against every man this is also consequent: that nothing can be unjust. The notions of right and wrong, justice and injustice, have therefore no place. Where there is no common power, there is no law; where no law, no injustice. Force and fraud are in war two cardinal virtues. Justice and injustice are none of the faculties neither of the body nor mind. If they were, they might be in a man that was alone in the world, as well as his sense, and passions. They are qualities that relate to men in society, not in solitude."⁹ The conclusion is, therefore, that all moral relations are relative to the formation of society in government. There is no innate sense of justice, but it is the result of the law made by society through the state.

The state of nature is not best for mankind, for in it life is "solitary, poor, nasty, brutish and short." Men have no science, no art and no

⁸ *Leviathan*, Chap. XIII.

⁹ *Leviathan*, Chap. XIII.

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literature. There must be a transition from the natural to the political condition. In the natural state man has natural right, and in the political natural law. Hobbes definitely and distinctly differentiates between the natural right and the natural law. " 'The right of nature,' which writers commonly call *jus naturale* is the liberty each man hath to use his own power as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing anything which in his own judgment and reason he shall conceive to be the aptest means thereunto. . . . A 'Law of nature,' *lex naturalis*, is a precept or general rule, found out by reason, by which man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same; and to omit that by which he thinketh it may be best preserved.'¹⁰ This is a limitation and restricts man's liberty. Liberty really is only the absence of external impediments. From the law of nature it follows that to escape war we must seek peace and ensue it. Such a condition can only be brought about if men generally and reciprocally abandon their natural right. This is the second law of nature, pursuant upon the search of peace, and the third law is that men per-

¹⁰Leviathan, Chap. XIV.

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form the covenants they have made. When the promises and obligations made in the covenant are kept we have justice. The failure to do so is injustice. Men ought to observe the covenant which can only obtain when all agree and desire to abide by its contracts.

After Hobbes deduced natural rights and natural law from his idea of human nature he arrives at the discussion of the contract which forms the ultimate basis of the state. The state or commonwealth can be founded in two ways. "One, by natural force; as when a man maketh his children to submit themselves, and their children, to his government, as being able to destroy them if they refuse; or by war subdueth his enemies to his will, giving them their lives on that condition. The other is when men agree among themselves to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others. This latter may be called a political commonwealth, or commonwealth by institution; and the former, a commonwealth by acquisition."¹¹ A single will is then substituted for many wills. "A commonwealth is said to be instituted when a multitude of men do agree and covenant, every one with every one, that to what-

¹¹Leviathan, Chap. XVII.

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soever man or assembly of men shall be given by the major part the right to present the person of them all, that is to say, to be their representative; every one, as well he that voted for it as he that voted against it, shall authorize all the actions and judgments of that man or assembly of men in the same manner as if they were his own, to the end to live peaceably amongst themselves and be protected against other men.”¹² This makes the state a real unit, a single person, and it becomes the great Leviathan, the “mortal god” to which we owe our peace and defense under the “Immortal God.”

When the state is constituted we surrender our liberty for the common good and accept the unlimited sovereignty of the ruler appointed by the contract. It follows; *First*. That every act of disobedience by a subject is unjust, whatever the alleged ground for the act may be. *Secondly*. No breach of the original compact by the sovereign can be used as an excuse for its violation by a subject. *Thirdly*. There is no justification for resistance by the minority of the community on the plea that it did not select the sovereign chosen by the majority. Sovereignty cannot, therefore, be resisted or interfered with by the subjects.

¹² Leviathan, Chap. XVIII.

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The sovereign has the right to judge the expression of all opinions and doctrines, the whole power of prescribing rules for property, the duty of determining all controversies between subjects, the privilege of making war and peace by his right alone, and finally the right of conferring all authority upon counsellors and magistrates. Liberty must be interpreted in accord with these rights of the ruler, and it is consistent both with fear and necessity. Only what the sovereign has not forbidden, and what cannot by the original contract be given up, constitutes freedom. The best form of rule is that of the absolute monarch. It has the advantages over other forms, in that, there is an identity of private and public interest in the sovereign, a greater consistency and freedom from fluctuation in policy, and that the iniquitous bestowal of riches and power on favorites is a much worse evil in other forms of the state. It is the sovereign who makes and determines all law. What is thus fixed is law, and is in no wise dependent upon any moral philosophy.

It is of interest to note how Hobbes deals with the problem of church and state. In his thinking there was no place for a religion of mystery, and he only accepts such an idea of God, faith, and worship as can be deduced from his materialistic

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point of view. He is not an atheist but a deist, but his God is not that of Christianity, or even of the usual deist, but rather some sort of force and matter.

The church Hobbes defines thus: "A company of men professing the Christian religion, united in the person of one sovereign, at whose command they ought to assemble, and without whose authority they ought not to assemble."¹³ On this view any group that meets without the approval of the sovereign is not a church, but an illegal gathering. It also follows that there is no universal church, because there is no universal commonwealth. Only the established national church is a church, and all that are without it have no claim to ecclesiastical privileges. Even the national or established church is only such through the state, and is not allowed any right of its own spiritual government. There is no government in this life but the temporal rule. "Temporal and spiritual government are but two words brought into the world to make men see double and mistake their lawful sovereign."¹⁴ Two governments lead to faction and often cause civil war when church and state are against each other.

¹³Leviathan, Chap. XXXIX.

¹⁴Leviathan, Chap. XXXIX.

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There is no place for any pastoral claim in the church, for the sovereign is the supreme pastor and the source of all authority implied in pastoral care. He alone has authority from God and the bishops have their dignity not *Dei gratia*, but simply *Regis gratia*.¹⁵ Despite this extreme position Hobbes advises general toleration, and thinks that as long as there are no public disorders the "independency of the primitive Christians . . . is perhaps the best."¹⁶ It is very evident that this materialistic doctrine of the absolute state is at variance in almost every point with the Christian ideal. Fortunately it gained no currency in England because of its extreme character.¹⁷

Apparently the idealistic theory of Hegel is more acceptable and serviceable to Christianity. But whether this first impression is correct needs examination. If we are to appreciate the position of Hegel we must approach him through the development of idealistic thought beginning with Kant. It is not the Kant of the Critiques, nor the Kant of the treatise *For Perpetual Peace*, who first suggested a plan approximating the modern League of Nations and the World Court, that

¹⁵Leviathan, Chap. XLII.

¹⁶Leviathan, Chap. XLVII.

¹⁷Strange to say the American Tory Daniel Leonard tries to apply Hobbes' ideas to the early Colonies. (Parrington, *The Colonial Mind*, p. 207ff.)

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concerns us. Kant's political philosophy is found in his *Metaphysical First Principles of the Theory of Law* written toward the end of his life and published in 1796. Kant starts with the assumption that men are naturally free and equal. The state rests upon a contract in which individuals put their inalienable rights under the protection of the people. A constitution organizes the general will of a crowd into the will of a people. There are three powers in the state, legislative, executive, and judicial. All just governments should be representative. But after Kant started with such democratic notions, he asserts the necessity of a ruler, who is also legislator and has only rights but not duties toward the people. He may transgress the constitution without being controlled. There should be no resistance against the ruler, and no revolution has any justice. The sovereign alone has a right to change the constitution and to effect reforms.¹⁸ It is this latter attitude which was friendly to the Prussian state, and the dreams of Frederick the Great.

Fichte, who followed Kant, holds, that the state is man's natural condition. It rests on one natural right not on many rights. In the state we need a will which unites the private will with the

¹⁸Rechtslehre, Sects. 46, 49 and 52.

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general will, and does not hamper the untrammelled activity of the rational will of human personality. Out of such synthesized will there arises the right of property, which is the right of free action in the world of sense. Men will be best taken care of in their trade in the *Closed Commercial State*. It is the assumption of Fichte that in such a state property has existence only through the state. With this attitude Fichte leaned toward a socialistic state, and later claimed, that the state ought to guarantee the material existence of its citizens, and insure for every one the opportunity to make a living. There can be no pauper nor idler in the rational state. It was this position that tended toward strong state power. When Fichte wrote his famous *Addresses to the German People* he did more than through his political theory to impress the people with the peculiar and pre-eminent cultural mission of the German nation. Some of his extreme notions lived on, and, combined with his socialistic trend, prepared the way for the fullest expression of the absolute state in Hegel.

In the *Outlines of the Philosophy of Right* Hegel attacked the problem of the state after the manner of Kant and Fichte as a matter of thought. The general will for him was not the result of the

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state through individualism. Pure, abstract intelligence, the essence of reality is spirit. (Geist). This eternal, universal, self-conscious and self-determining will produces freedom. It and nothing else is the free will and it wills the free will. But it must be shown how this absolute rationality of will realizes itself. It begins as right (Recht) in which personality, property and contracts are developed. The next step in this absolute free will is its appearance in subjective morality. (Moralitaet). The thesis of Recht and the antithesis of Moralitaet find their synthesis in customary morality (Sittlichkeit). Thus the movement of spirit proceeds. Out of this process there arise the family, the civil society, and the state. The state is the final and ultimate reality, the perfected rationality, and the ultimate expression of the spirit. It is absolute and fixed in itself. In the state the monarchical power is the only valid philosophical principle of sovereignty. The monarch is highly exalted in rights and privileges. For Hegel the state really becomes God on earth. It is the final embodiment of the eternal Spirit. There is no real place for any other social form except it be at last taken up into the state. Such is the outcome of the rigorous logic of Hegel. Consequently his state is the only final, all-embrac-

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ing, socio-ethical embodiment of the eternal Spirit. It takes the place of the Kingdom of God, and naturally sets aside the church, its right and its life. There is far more danger in this theory of idealistic philosophy than in Hobbes' program, and it has affected historical development although indirectly in a manner which was not the case in the speculation of Hobbes.

There are four modern, historical instances of the trend toward the absolute state. The first state that drifted toward absolutism in a marked way was the German Empire founded 1870. Through military success, the iron policy of Bismarck, and the strongly tinged theories of the monarch through God's grace in Prussia, a movement began which went beyond the usual limitations of the monarch in modern constitutional monarchies. In the reign of William II, the commercial and industrial success, the development of a great navy, the suppression of all democratic conceptions which caused socialism to grow, the utterances of William II, and his claims,—all exalted the absolutist tendency. Even if we allow for the dramatic exaggeration of the speech-making Kaiser nevertheless the policy of the chancellors led Germany more and more in the direction of the absolute state.

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The second instance is that of modern Turkey. Of it Hocking says: "At the present moment, in various parts of Europe there are resurgences of the political strong-hand. The new Turkey typifies them all, where Mustapha Kemal Pasha, fortified by military and diplomatic glory, defies all the popular gods. Here the state, embodied in him and his assembly, flouts the authority of the domestic tradition and of the Koran by prohibiting polygamy; crosses the current of social custom by prohibiting alcoholic drink; assumes domination over the powerful authority of organized religion by displacing the Calif and substituting its own appointee."¹⁹ A very remarkable instance is the present Russian government. Ostensibly a reaction against the absolute rule of the Czar it has become absolute itself. The claim of the Soviets, and the representation of the people, is actually over-ruled by the communist control. The revolutionary policy, which endeavors to stir up violence everywhere, and to make effective the program of Sorrel in his treatise on *Violence* to support French Syndicalism, is very oppressive in its treatment of the people who do not submit to its power. All religion is tabooed, and all churches are under surveillance or closed. Claiming to

¹⁹Man and the State, p. 85.

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lead to industrial freedom, the present Russian government is an example of whither socialistic and communistic conceptions of the state lead when consistently and ruthlessly carried out.

The last case is furnished by the dictatorship of Mussolini in Italy. To overcome the hindrances of socialism there arose the group of the Fascists for whom and through whom Mussolini acts. Strongly patriotic, and developing Italy economically Mussolini uses every means of oppression against those who do not agree with his policy. These instances show how the absolutist theories are practically applied, but not as consequences of theory. Perhaps Hegel, and later Nietzsche and Treitschke had some influence on the German Empire. The dream of ancient Rome haunts Mussolini. If we carefully weigh the absolutist conception of the state we find some value in its effort to give authority to the state. No state can exist without authority, and in the present claim of freedom and its individualistic application, there lurks danger to the state. In the same way there is an attempt to make obedience to the state cogent, and this is in keeping with the Christian ideal. But, on the other hand, the manner in which authority is made absolute, and the commonwealth defied, shows a return to paganism.

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Not only spurious but real liberty is hindered and the rights of men are unduly restricted. The denial of the right of revolution under all circumstances blocks the progress of the state when irremediable conditions exist. The intention of the absolutist, especially of the idealistic type, is very laudable, but the execution of their plans is impracticable and destructive of the advance of civilization. Present actual experiments in absolute government demonstrate not only its defects, but also its essentially unchristian character.

CHAPTER XIII.

Modern Hindrances

AFTER a survey of the course of political history in theory and practise from the beginning of Christianity onward, it still remains to consider what are the obstacles and hindrances which prevent the Christian ideal from being realized in the modern state. There are practical conditions which obstruct the application of Christian truth to the commonwealth of today. To understand and weigh the present difficulties is a most necessary task. Perhaps if men will they can be overcome, and the spirit of Christ can then rule in the state. A short survey of hindrances is necessary if we are to suggest a better way. The fundamental question will be whether man is the slave of the historical process, or whether he has the power, if he will, to give a different course and direction to the events of history. It is utterly futile and an idle pastime to look at the obstructions to the Christian ideal if conditions and circumstances make us. A fatalistic philosophy of life and history will not only

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make us hopeless, and cause us to drift, but it will also hinder real progress toward possible and attainable ideals. It is certainly true that we must at all times reckon with the weakness and sin of human nature, but they are not insurmountable according to the Christian point of view. Only the lack of intelligent faith and hope is the greatest hindrance.

The first of the obstacles that block the way of the Christian ideal for the state is a widely spread fear. Thinkers on the problem of the state, and practical rulers, have been much influenced by the fear that *population multiplies more rapidly than the means of supporting life*. It was Malthus in his famous book *On Population*, who started economic theory on the pathway of this great fear. It is explicable that he, living in England, should feel and express this dread. The British Isles have not for a long time been able to supply the food for their own population. Even before manufactures arose, and Manchester dominated England, the lack of food grown in England was a problem. The supply which can be furnished internally can only last a month. But this fear has spread to other nations. In spite of the development of intensive farming it obsessed the German nation before the great world war, be-

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cause its population had increased so fast. And even here in the United States with the vast areas that can still be put under cultivation Herbert Quick wrote his well-known book on *The Good Ship Earth*. In it he arouses fear and creates a gloomy outlook. The ship grows no larger and the people on it increase, so that finally there must be want and famine. This whole attitude of orthodox economics needs re-examination in the light of modern progress. Its effect has been that the different states have felt the need of colonies. Justly and unjustly they have obtained territory under the plea that they needed it for food supply. It has in part been responsible for England's domination of the seas. The Malthusian fear is urged by England in every discussion for the reduction of naval armaments. It is very evident that men will not deal fairly with each other as long as they remain under the lash of the Malthusian theory. The relation of nation to nation will not be really just as long as men dread a famine. The fear of hunger is exceedingly powerful, and will dominate policies of the state within and without. Reason and justice cannot rule as long as the fright of Malthus rests upon governments.

The Malthusian fear is closely connected with

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another difficulty. It is the *economic outlook* on life. The modern state is ruled very largely by economic considerations. This was not the case in the same degree when most countries were still in the agricultural stage. But with the increased coming of industrialism in the great states of the world the problems have become more and more, not purely political, but politico-economic. Within the state itself the interest of large industry, and the claim of commerce, have brought about a cleavage that goes very deep. Men feel their economic class position far more keenly than their political affiliation. Political parties must have economic platforms that are agreeable to the voters. The consequence has been, that big business and powerful labor combinations control the attitudes of the government. The considerations of justice for all are pushed aside when well organized and strong groups of either manufacturers or labor unions make demands. Instead of the established political parties there is an indication that economic groups will be formed even if not at once. Blocs have already appeared in legislative bodies. Great interests of powerful corporations often dictate the laws or their modifications. The economic point of view also determines the relation of one state to another. Com-

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petition and search after new markets in many instances create bad feeling between peoples. In fact so dominating has the economic outlook become, with its inherent selfishness, that a school of modern historians attempts to explain all history as absolutely motivated by economic desires and forces. As long as the great contacts of business are made a state affair to the degree that they are at the present, so long can there be no real place for the application of the Christian ideal. Small business between individuals is being more and more moralized. Is it not possible to moralize the large relations of business and finance that affect a whole nation, and reach out toward the intercourse with foreign peoples and nations?

A very great influence in the life of the state is *nationality*. The question has often been raised and discussed, what constitutes a nation? Are there any objective factors that mark it? While there exists much disagreement about the answer, it seems that perhaps it is not far from right, to find nationality in a common language, in common traditions of historical origin and development, in the veneration of great heroes who have sacrificed and labored for the common good, and in the possession of common cultural elements. But a nation can only really exist through individuals in

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whom the national interest is found. Patriotism takes the nation as a symbol, and from attachment to the symbol develops the sentiment of devotion and loyalty to the country. A psychological attitude is taken toward the nation. If this remains within proper limits, parallel to the limitations of an individual in society, we have true national feeling. But only too often nationalism arises which is the over-emphasis of nationality. Out of nationalism grow certain attitudes which hinder the Christian ideal of the state.

First, it is often impossible that the state can cover only one nationality. While we are striving in our own country through Americanization in a gentle way to overcome old-world, strong attachments, and to prevent the consciousness of conflicting nationalisms, it is not feasible to do so in many European lands. Despite every effort there are majority and minority national groups in Europe, especially in the Balkan states. No clear and effective separation is within the range of possibility. But unless there is the greatest forbearance and charity, varying nationalities furnish a constant source of inner irritation through the nationalistic sentiment and emotion. The stronger nationalism seeks to oppress the weaker, and the weaker, conscious of its inferiority in

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power, is restless. And thus nationalism stands in the way of inner unity and peace. *Secondly*, nationalism often has a very high estimate of its own possessions. Its history is grander than that of other peoples, and its heroes more magnanimous and virtuous. Its language has finer shades of meaning, and is more flexible for the expression of the best in literature, and science, and philosophy. Its art is superior in all respects to the art of other nations. In short all of its culture claims a pre-eminent place. Consequently other nations are looked down upon. In extreme cases of such cultural pride a nation feels that it has a cultural mission to other people, and that it must bless others through propaganda with its own real culture, which is fit to be the culture of the world. Such haughtiness and pride necessarily destroy the right estimate of the attainments of other nations, and may become a fruitful source for the justification of conquest and war. *Thirdly*, intense nationalism leads to the misunderstanding of other people, and out of misunderstanding there frequently develop suspicions. Nations distrust each other more deeply the stronger nationalism grows. Then past facts of history that foster feelings of jealousy, hate, and revenge, are always kept alive. Nationalism does not permit past

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defeats to be forgotten, and it cannot suffer the superiority of other nations in goods and colonies. When any single citizen is hurt or killed, the nationalistic spirit, fostered by jingoism, does not await just punishment, but demands reparation through an ultimatum. Thus the seeds of strife and war are sown, and real justice does not prevail.

Closely allied with the attitude of nationalism is the *racial feeling*. Race differences are differences of blood and physical characteristics. Race feeling goes much deeper than the emotion of nationalism. It seems almost ineradicable, and has at its base strong and lasting antipathies that prevent not merely mixture, inter-marriage of individuals, and social contacts, but even hinder fairmindedness and justice. One of the outstanding racial prejudices is anti-Semitism. Its real source is not religious, nor economic, nor social although all of these contribute somewhat to the feeling against the Jew, but ultimately the feeling of the Aryan race against the Semitic. Men are mostly not directly conscious that such is the case, but the persistence of this attitude has driven the Jew into the Ghetto, and has debarred him from many social privileges even in so-called liberal America. Another instance of race anti-

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pathy is the feeling against the black and yellow races. Their increase inspires us with dread and fear, and Lathrop Stoddard in his book, *The Rising Tide of Color*, speaks for not a few people. With all due allowance for certain great differences, we cannot but notice, that race feeling does great injustice to the mental, moral, and spiritual endowments of the black and yellow races. Their backwardness in civilization is overstressed, and we claim the right to impose our civilization upon them. In the case of the yellow races we underestimate their history, their literature, and their art. The white man thinks and feels himself so much above his black and yellow brethren. From this it follows that the proper rights are denied to other races, and their territories are taken. The Christian principles of the apostolic period, that all men are of one blood, that there is no distinction between, Jew, Greek and Barbarian, and that we are all brethren under the one Father through Christ, are disregarded and racial prejudice holds the field.

Another hindrance is *the usual diplomacy* as practised by the diplomats of the great nations. Diplomacy like law rests largely on precedents. These precedents demand of the diplomat, that he shall under all circumstances win his case for

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his own nation. He becomes a special pleader, and is not willing to let fair justice obtain. There is much evasion and much maneuvering for advantageous position. Claims are presented that are extravagant, and then haggling begins. In most cases there is no real frankness, and the cards are not laid on the table. Bound by the home government no concessions are to be allowed that may appear fair. The attitude is that of a battle of wits. Shrewd intellects are matched against each other, and there are no real open covenants openly arrived at. The fate of a nation hangs upon the decision of the diplomats, and their failure often brings great disaster. In critical situations they do not succeed in many cases in preventing bitterness, that may grow into permanent envy and opposition, and finally end in war. The motto is: Never grant anything to another nation unless you must. The first and only duty is to serve one's own nation even at the expense of justice and righteousness. A new diplomacy is needed free from all these old and time-worn practises, if we are to approximate the ideal of the Christian state. The people of the nations must demand a total change of procedure from their diplomatic representatives, if they are to be

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saved from future calamities, and if peace and concord are to be maintained on earth.

A great cause of evil is the *spirit of militarism*. It is a deeply ingrained conviction among nations that war in certain circumstances is inevitable. From year to year nations drift toward a war through certain psychological attitudes which could be prevented. They do not watch and control the interest of big business of certain kinds, and big finance, when they favor war, under the wrong belief that it is profitable. The cry of preparedness is raised. Back of it there is frequently no real threatening cause. It is true that a nation at present cannot be without armaments. But certain possible conflicts and wars are predicted, and suspicions are aroused about the probable conduct of other nations. Thus the mind of a people is made familiar with the idea of war. The more military men there are the more their influence favors war in which they seek preferment. Nations make promises to reduce their navies and armies, and then evasions occur under the excuse of technical differences of interpretation. Men of different nations do not yet trust each other. There can be no excuse for war. Its decisions are not necessarily the decisions of the right, but it fosters lying, deceit, cruelty, crime, and bitter

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memories. Utterly immoral, except it be really a case of self-defense, and not a pretensive one, it destroys the best life of a nation. In the future it hampers the cause of humanity. Science which can, and when rightly used, is the servant of man, becomes his destroyer as men think and plan how physics, chemistry, and biology can be used to kill. Surely militarism is the greatest curse of civilization, and it is not to be praised as the mother of patriotism, courage and self-sacrifice. These virtues may and do develop, but only through the murder of men. There is an utter gulf fixed between militarism and the spirit of the Prince of Peace. His Kingdom cannot come in the state as long as militarism rules.

Another obstacle which is powerful in preventing the Christian ideal from being realized in the state is the *principle of sovereignty*. Paley defined it as "absolute, omnipotent, uncontrollable, arbitrary, despotic, and alike so in all countries."¹ A more moderate interpretation and application to those governing is given by Austin,² who states: "If a determinate human superior, not in a habit of obedience to a like superior, receive habitual obedience from the bulk of a given so-

¹Moral and Political Philosophy, Book VI. Chap. VI.

²Lectures on Jurisprudence, I. pp. 11, 118.

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ciety, that determinate superior is sovereign in that society, and the society (including the superior) is a society political and independent . . . In order that a given society form a society political and independent, the two distinguishing marks which I have mentioned above must unite. The generality of the given society must be in the *habit* of obedience to a determinate and common superior; while that determinate person, or determinate body of persons, must not be habitually obedient to a determinate person or body." This very mild definition narrows down sovereignty to within the state in the relation of subject to ruler. Even in this instance the limitations must be made which Hocking suggests, namely sovereignty must not mean the monopolizing of authority, and of being exempt from all opposition and criticism.³ But often sovereignty is made to mean more than is implied in these limitations. Within a people it has been stressed to the detriment of the liberty of a nation. It is true that authority must be maintained in the state, and opposition should not readily develop into revolution. Criticism ought not to be bitter and unjust, and used merely for party purposes, in a manner to destroy respect for

³Man and the State, p. 390ff.

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those that rule, and to undermine their necessary dignity.

The real difficulty is sovereignty as applied to international relations. It has been extended to mean that a state is infallible in its official decisions. When these, therefore, clash with the decisions of another state the only escape is made to be war, the so-called arbitrament of war. The prevailing opinion is that a state cannot surrender its difficulties to a general court of arbitration without injuring its authority. The time has long past when the individual avenged wrongs done to him directly, for such action caused too much injustice. In the similar case of conflict of interest, or even probable wrongs, between states only sovereign power and force is to decide. No state wants to allow its actions to be judged. It believes that it will suffer in authority over its own people if faith in its unfailing right against other nations is destroyed. This conception of sovereignty truly makes it a source of unending strife in the world. There can no more be infallibilities as between nations than as between individuals. History has always disproved all claimants for infallibility in church and state. The ruling notion of sovereignty is a remnant of mistaken truth inherited from the Middle Ages. And, like other

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harmful inheritances of history, it must be set aside if we are to have peace on earth and good will among men. It is the great theoretical and practical hindrance which gives large import to nationalism, racial prejudice, diplomatic practise, and militarism. All of these hindrances to the Christian ideal are strengthened by it. Sovereignty like the walls of Jericho must fall before the trumpet blasts of peace and righteousness.

But, finally, the greatest obstacle in the problem of the Christian state is the ruling theory of the state. The present prevailing theory, which has a long history back of it, characterizes *the state chiefly as power*. The first Western theoretical expression of this conception of power is ascribed by Plato to Thrasymachus, who held that government is the control of the weaker by the stronger. Plato opposes this idea, but it has again and again pressed to the front, even though its formulation was not in all cases as frank and bald as that which Thrasymachus gave. Spinoza held that a *de facto* government obtained its right to rule by maintaining its power against any force from any quarter. The government, therefore, was the expression of the state as power. The noted political theorist Bodin asserted, that the perpetual power of the state constituted its

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sovereignty.⁴ The idea of Blackstone that men hold together because they cannot help it rests finally on the idea of force. Hobbes' theory of absolute submission to the state, the great Leviathan, has at its root the thought of the state as unlimited power. The contract theory of Rousseau implies that men obeying the common will submit to the authority and power of the contractually formed state. The great Swiss writer Bluntschli claims that: "Without force, a state can neither come into being nor continue. Force is required within as well as without. Where force has produced firm and lasting results, it seeks and commonly obtains a connection with right."⁵ And again he states: "The state is the embodiment and personification of the national power. This power, considered in its highest dignity and greatest force, is called sovereignty."⁶ In discussing the power and authority of parliaments De Lolme, frequently quoted wherever the power of parliaments is discussed, declares: "It is a fundamental principle with English lawyers that parliament can do everything but make a woman a man, and a man a woman." Willoughby, speaking of the state, holds that: "It alone has the

⁴De la Republique, I. i.

⁵The Theory of the State, p. 293.

⁶The Theory of the State, p. 463.

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power of expressing a command, or of determining the validity of an existing rule with such absolute authority that no recourse is admitted to another power, either in search for the authority upon which such an order or command is based, or for the ultimate determination of the wisdom or moral propriety of the actions so ordered. The state is thus supreme not only as giving the ultimate validity to all law, but *as itself determining the scope of its own powers*, and itself deciding what interest shall be subjected to its regulation.”⁷

The theory of power has colored the ethical treaties in Germany and England. Paulsen thinks that the state is the unity of right and might, but the accent is upon right. Seth inclines to define the state as power. Similarly Wilson in his treatise on the state leans to the ruling conception.⁸ In one of the latest American books on the state, namely Hocking's *Man and the State*, we find the same attitude. In the chapter on the state as force Hocking, although not with full approval, believes that it is an elemental conviction “that *force must, in any case, reside somewhere in society.*”⁹ In order to counter the danger of force

⁷An Examination of the Nature of the State, p. 192ff.

⁸For a discussion of Paulsen, Seth and Wilson, see Haas, Freedom and Christian Conduct, Chap. XIV. The State.

⁹Page 63.

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by members of society against each other, and to keep this play of force at a minimum, there must be an agency to control force. It is the state and the state alone which must have the use of force as a potential.¹⁰ "But while the prestige of the state depends most directly on how it uses its force, it depends most fundamentally on its having *the monopoly of force* to use."¹¹ Hocking places so high an estimate on power as to assert that, "the quest of power is not merely in the interest of other needs, nor is it merely a search for another independent satisfaction. Power is *an element in the good which all instincts seek*."¹² "The quest of power in this wide sense we may take, then, as an instinct which is in all interests, the fundamental instinct of the human kind."¹³ After this glorification of force and power as the right analysis of human nature Hocking endeavors to turn it to some altruistic use, when he posits as his important thesis: "*There can be no power-over without power-for*."¹⁴

All of these accentuations of power overlook what power is really for and what end it is to serve as a means. Laski rightly criticizes this

¹⁰Page 187ff.

¹¹Page 190.

¹²Page 309ff.

¹³Page 310.

¹⁴Page 334.

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view in these words: "Accepted theory tells us that the state is sovereign. It is, that is to say, the supreme embodiment of power. What its will has determined it has the right to enforce. Yet in the only sense in which this is an acceptable theory, it in reality tells us nothing. The state exists as the most adequate means we have yet invented for the promotion of an end we deem good."¹⁵ Laski has struck the right note, when in opposition to this emphasis on power, he holds that: "The problem of authority becomes, above all, the duty so to organize its character and its processes as to make it, in the widest aspect, the servant of right and of freedom. But to make it the servant of freedom is already to limit its powers."¹⁶ With approval he quotes both T. H. Green and Lord Acton, when the former believes freedom to be something we enjoy in common, and the latter says: "By liberty I mean the assurance that every man shall be protected in doing what he believes his duty against the influence of authority and majority, custom and opinion."¹⁷ The whole trend of the discussion of Laski is to defend just freedom as over against the theorists of the state who so stress force and power as the

¹⁵Authority in the Modern State, p. 29. See also p. 41.

¹⁶Authority in the Modern State, p. 121.

¹⁷Authority in the Modern State, p. 55.

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right of the state, as to injure the fundamental human right of liberty.

The conception of the state as power has developed out of the accentuation upon will. Will has been made paramount and the state has been defined as the expression of power in the common will in which all individual wills have been fused into a unity. This fusion necessitates power and force to keep the common will superior to the assertion of individual wills in all matters that belong to the state. It is an implicit emphasis upon will, as the resultant of matter and motion, which led Hobbes to his strong assertion upon the absolute power of the state. The theory of Rousseau which bases the state upon a contract agreed upon, as well as all contract theories in any form, stress the surrender of individual will to the common will, and endow it with strong force and mighty power. The principle that government rests upon the consent of the governed, in one sense, is a statement, which seeks to preserve individual freedom. But after the consent is given all the individualism implied in the consent is surrendered to the common will. There is no qualification as to the nature of this common will, but as mere will it asserts power. But the largest impulse has been given to the will theory by the philosophic

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development of the Nineteenth Century. It began very innocently when Kant made the good will the ultimate reality as contrasted with the uncertainties of the fundamental questions of pure reason. Fichte also maintained an ethical nature in the analysis of the will. But Schopenhauer started modern thought on the path of the emphasis of "the will to." His will to was a will to life, that cast man into misery in the constant swinging of the pendulum from desire to unsatisfying possession. It was an urge which von Hartmann turned into the will of unconsciousness. Following this material aspect of the will, Nietzsche announced, as the last consequence of the conception of the will as blind urge and force, the theory of "the will to power." While he conceived of it in the individual form of the superman, it assumed a common aspect in the political theories of Treitschke, for whom power and war were moralizing forces of the state. This line of thought was the application of the struggle of existence, and of materialistic Darwinism, to the ideal of the state. It seems strange that Hocking, after he has disavowed "the will to power" as being affiliated with arrogance and competitive selfishness, nevertheless asserts: "We are using it to designate a fact prior to all ethical quality, as a

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name for vital impetus itself, and as a tentative and inadequate name, whose significance is the deepest problem of self-consciousness. We have the craving for potency; life is the process of learning what this craving means, in terms of the concrete program of living; only experience can instruct us in what ways this will to power can find its fitting satisfaction."¹⁸ There is no indication in Hocking that he has really interpreted the fact, that our natural desire for force must be ethicized and not merely transferred to the state. The great lack in this whole will attitude is, that the will is not subjected to the ideal, and the action to the thought. A taint of behaviorism is evident in the emphasis upon will and action that leads to the theory of power as applied to the state.

A most remarkable effort has been made by Professor Althaus to show that the state as mere power is compatible with the idea of the Kingdom of God.¹⁹ It is his claim that the ideal of the Kingdom of God is service. There is no contradiction, in his judgment, between the Kingdom of God as love and the state as power, if the ideal of service is stressed. The mission of the state is supposed to be the service rendered to society

¹⁸Man and the State, p. 311.

¹⁹Staatsgedanke und Reich Gottes.

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through power. And the state, it is claimed, fulfills a divine call in the exercise of power. Subtle as this effort is, it nevertheless does not really reconcile the ideal of the state with the Kingdom of God. It opens up the way for the justification of war as a part of the duty of the state in accordance with its divine mission. Wherever the theory of force has been applied as the essential conception of the state there has been a departure from the Christian ideal. The problem of the state cannot be solved adequately until we reject the whole theory of power and attempt a solution in keeping with the Christian conception of justice.

CHAPTER XIV.

The Positive Proposal

IT has been a long journey through history which we have taken to discover how in different ages the problem of the Christian state was thought of and discussed by leading thinkers. In our travels we have noted how constantly the problem of the Christian state was made simply the question of the relation of church and state. Sometimes the one and sometimes the other claimed domination. The struggle waged to and fro and the end is not yet in sight. It is not in this way that we shall be able to make any positive suggestions. It has also become clear to us that in the modern state both in its practice and in its prevalent theory there are great obstacles in the way of arriving at the ideal of the Christian state. Nevertheless it may be worth while to propose the essential elements necessary for the solution of the problem of the Christian state.

The first positive contribution which Christianity has made toward the idea of the state is the emphasis upon the truth that the state is a divinely

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willed institution. It did not emphasize the divine character of the rulers as was the case in the pre-Christian states. The state in the Christian theory is necessary for the moral order of the world. This makes it a *divine institution*. It does not follow that the emphasis upon the state as no mere human development endorses any peculiar form of government. There is no real guarantee in the Christian theory for the application of the divine character of the state to support the divine right of kings. All that is claimed is, that however human history may develop the state, and whatever it may make of it through experimentation and experience, still the state in its idea is not the mere creation of the common human will. The human will felt the necessity of the state and there always was a state because the very nature of society required it. When we speak of this necessity from the religious point of view it must indicate a divine purpose and a divine will. Such is the real meaning when Christian truth interprets the state as inherent in the will of God for the sake of the welfare of mankind in external life.

The conception of the state as divine is really a constant element in the different attempts to define the state in the whole history of the effort of Christian thinkers. The impetus was given

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by the saying of Christ which asserted that the power of Pilate was from above. The early church felt out of sympathy with the state in its pagan form, but nevertheless it believed that God had willed the state. When Constantine endeavored to establish a Christian empire he acted in part according to old Roman tradition in connecting religion with the state. But he also in part realized that the state needed a Christian character. His method of asserting the principle was however defective. The same desire to make the state Christian appeared in all the efforts of the state to control the church, but the state failed in solving the problem because it hampered the church, and did not really make the state Christian. Whenever the church encroached upon the state and sought to make the state Christian by claiming power over it the idea in mind was to make the state a divine institution. But this approach to the problem was also defective and injured the church by externalizing it and making it an instrument of power through law. At the same time the state itself was not really Christianized. The theory of the absolute state, particularly as proposed by the idealistic philosophy of Germany, was also an effort to secure the authority of the state through the claim of its divinity.

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But the state was made so divine that it really became an infallible power. All of these attempts to define the state as divine were aberrations. The only solution is a balanced conception of the state as willed by God and necessary for the moral order of mankind. It is thus that the various efforts in the historical development will find their true answer. This is the one line of direction evident in all the theories of the state proposed by scholars and thinkers.

A second positive element in the Christian conception of the state is the definition of the attitude of the citizens as essentially *obedience*. From the New Testament onward the virtue of obedience to the state and reverence for its authority have always been emphasized. This naturally followed from the conception that the state was not only a human government with human ordinances but fundamentally a spiritual estate divinely purposed. In the application of obedience and submission to the authority of the state, there was one exception allowed. When the state commanded what was contrary to the faith the Christian could refuse to obey. This was in accord with the principle, that in matters of religion we must obey God rather than man. But while obedience might be refused when a man's religious

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convictions were interfered with, still no Christian was ever advised to rebel. He was rather to suffer punishment by the state willingly and patiently, whenever he could not obey for the sake of conscience. Another problem that arises out of the duty of obedience is the question of the right of revolution. This right was first asserted by those who projected the theory of the liberal state, particularly by John Locke. A revolution is only justified on the same basis that individual self-defense is allowable. Whenever people under a state are oppressed to the degree that their life and their living is in danger a revolution may be just as the last and only resource for remedying a dangerous evil. Many revolutions in history are not justifiable in the light of the Christian ideal. The Christian conception as re-affirmed in the days of the Reformation is obedience to the uttermost. Obedience to the state and acceptance of its authority altogether exclude the right of killing even a tyrant. The virtues of obedience and of reverence also oppose unjust and extreme criticism of the state. There may be just and necessary criticism, but when party spirit goes to the limit of attacking the very state itself in its strictures upon the rulers there is a dangerous element of latent anarchy. The Christian ideal

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is absolutely opposed to the individualism that would destroy the state and overthrow its government. In the present democratic stage of history it is very necessary to reassert the virtues of obedience, respect and reverence for the authority of the state.

The divine will for the state and the demand of obedience toward the state must be united by conceiving of the state as the *institution of justice*. It was Plato who first defined the idea of the state as justice. His central conception is still the best, and it is far superior to many speculations that have arisen since his day. But the Platonic idea of justice must be elevated into the Christian ideal. The direct expression of justice as the function of the state is found in Paul's declaration in Romans XIII:1ff. The counsel given to the Christians to be submissive to the state and its power is supported by the fact that the state is a minister of God for good. It is a punisher of the evil and a protector of the good. In other words the state maintains justice and order in the world. But the conception of justice needs the transformation which it can receive from the ideal of the Kingdom of God. The Kingdom of God comes when the will of God is done in earth as it is in heaven. The nature of this will is holiness and love. These

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two attributes are distinctive of God's will. Holiness makes for essential goodness, but it would be cold and distant, hard and exacting, without sympathetic and understanding love. And love apart from holiness might become weak and sentimental. It would not be real love if it did not seek the good of men. And therefore this love must be holy. When the will of God that brings the Kingdom is kept it finds expression in righteousness. The righteousness of the Kingdom of God begins in individual lives as the Sermon on the Mount shows. But it also finds its application in the social form of the state as soon as justice is shot through with the higher conception of righteousness. The state will become Christian to the degree that it uses its power to maintain a justice that is high and pure, but whose severity is tempered by equity and sympathy. In the balance of severity and equity the ideal of the will of the Kingdom as holiness and love finds its approximation. The problem that remains is the translation of the right justice into action which uses power when necessary to maintain the right.

The first practical evidence of the state as the institution of justice must be sought in the *law of the state*. It has often been affirmed that the positive law must rest upon the moral law. A

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popular way of expressing this truth is that the Ten Commandments must be fundamental. But the first three commandments pertain to religious duties which ought not to be enforced by the state. The other commandments indicate principles that can well be used as a test as far as the state has to deal with outward conduct and is no judge of the heart. The Christian character of a state can be measured by its laws. But it is very important to remember that the number of laws are no indication of an ideal condition of justice. In fact the multiplying of laws mostly leads to transgression. Greater and truer justice will be secured when laws are kept to the lowest possible limit of the actual necessity of order, protection and peace. As all laws are only efforts to express the ideal of justice they must not neglect the actual moral condition of a people. It is lamentable if the moral and spiritual status of a people allow a low level of law. But justice is never advanced by the law running ahead of the willingness of the people to observe it. It is true that there will always be a backward and recalcitrant minority that cannot measure up to the standards of an advancing majority. But justice must always be progressively realized as a people grow in character. The imposition of law, good in itself, by a minor-

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ity will react to the detriment of law and justice. Law is no producer of character, but only an evidence of character attained and thus a protector of the good and a punisher of the evil.

Upon the problem of the law as a medium for revealing the justice of the state, there necessarily follows the question of *punishment* for evil. There can be no consideration at all of the old theory of requital and revenge that obtained when blood feuds reigned. Today two elements ought to enter into punishment to give it the value it ought to have in approaching the Christian ideal of justice. Punishment of any kind must rest upon the conception of the maintenance and defense of the necessary moral order of the world. There is a sanctity in the moral order that adumbrates the holiness of the will of God. The criminal and society must be made to see the seriousness of violating the law because it defends the right. Men can only live and thrive through the right and never through the wrong. This fact is due to the inescapable power of the moral law. If men break the law of right the law of right will break them because in it inheres the power of God's holy will. The other element in any punishment by the state must be the effort at reform or the winning of the criminal to obey the law. In our day the experi-

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ments of probation and parole have been used. Sometimes they were applied too sentimentally. The love in God's will cannot come to expression through a soft and flabby sentimentality that condones and even glorifies crime. The sympathy and love shown must be earnest and honest if men are to be saved. A real balance of severity in punishment and of rescuing love for those punished must be maintained. In no phase of the application of justice is there as much difficulty as in the problem of punishment. The state and society need the Christian ideal here very badly.

In the modern state the ideal of justice demands a wider use than merely to help in the problem of punishment. There are spheres where justice must be constructive. It ought even to be constructive as far as punishment is concerned by attempting to prevent crime as much as possible. But it is in the *economic and social life* of the people that the modern state has a duty. There is a danger of over-regulating life and of the state becoming unnecessarily paternalistic. But the state cannot escape in the present close contacts of life to provide protection against disease and to advance the health of the citizens. This care is more fundamental than any problem of property. The bodily life of a people is a distinct

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charge upon the state in its interpretation of justice. In addition there have arisen in modern life many social and economic problems that cannot be solved through individual effort. It is the function of the state to so order, and as far as necessary, control economic movements that powerful individualism of capital or labor does not work injustice upon the mass of the people. Social control has become a necessity, but it ought to avoid the extreme position of socialism. The old Laissez-Faire theory is no longer tenable, but care must be taken that the utmost personal liberty compatible with the common good be preserved. The modern state cannot escape the problems, e.g., of child labor, and the occupation of women. Many similar questions are crowding in upon the state and they demand the best attainable solution in accordance with the fairest and highest conceptions of general justice without class consideration and class legislation that is harmful to the multitude.

A very important duty of the state is *education*. The state has a duty to develop its citizens not only for its own protection and future but also for the real good of its citizens. But in this problem the state cannot and ought not to demand exclusive control. As the end of education is not only

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the attainment of knowledge, but above all the formation of character, every agency that aids in the making of good men and women must be welcomed. It is admitted by the state itself and by all thoughtful and unprejudiced men that religion is a prime necessity in the development of character. But the state cannot teach religion without becoming intolerant, or robbing religion of its vital force and power by reducing it to advisory morality that lacks impetus and strength. Consequently the just state calls upon the church and offers it every opportunity in its great work of developing the spiritual nature of men and women. Without a sound spirituality there will be no strong morality. There can and ought to be no conflict between the church and the state in their respective educational programs. A clash will arise if the state so secularizes knowledge as to make it contradictory to Christian truth. Such an attitude finally will undermine the state itself. As the state is not atheistic but favors religion, it cannot allow attacks upon religion impartial as it must be in its relation to various churches and forms of faith. The church can aid if it implants the highest truths of the Kingdom of God without arousing denominational enmities, and without depressing knowledge and using ignorance as a

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defense of spiritual truth to the damage of spiritual truth. On the other hand the state cannot permit every wild speculation that opposes the progress of Christianity. The proper division of function in education and the proper helpful co-operation is one of the pressing problems of our times. If the state allows the children to be paganized and materialized it will dig its own grave.

There is one more important sphere in which the state must express justice, and that is *philanthropy*. The care of the sick and the poor, the helpless and destitute, the defective and the insane, the sick and disabled rest upon the state. Under present conditions no religious organization or all combined can effectively deal with all the problems of philanthropic service. In its philanthropy the state must be careful and yet really sympathetic. It is often difficult to exhibit in the charity and philanthropy of the state the fine quality that relieves the human heart while taking care of the bodily suffering and want. State aid as all organized aid is liable to lose the personal quality and the personal touch. In this department of the work of the state it needs the inspiration of the church. The charity and social service of the church has after all a distinctive quality if it remains true to the Christian ideal.

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It expresses the mercy of the Christ not only for the body but for the soul. The state must call in the church to supply the spiritual element in philanthropy. It ought to encourage all voluntary work of the church and avoid hampering the freer labor of the church by undue supervision and undue demands. Surely the service of love in the church ought to possess high efficiency along with deep tenderness. The state has a right to interfere where there are real defects in the charitable work of the church. But the present danger is interference that is not serviceable but is the outcome of the constant increase of the control of the state over human life.

The state cannot live a separate life in the modern age. It necessarily must enter into *international relations*. These relations deserve and demand the most careful study in order that the ideal of true justice may prevail. A body of international law has been developed, but much still needs to be done so that this law may approximate more closely to the demands of full justice. Very often international law is disregarded or set aside by the individual state. It is not possible to arrive at the solution of common justice for all states until there shall come about a limitation of the present conception of the independence and sover-

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eignty of each state. Every state has a right to its own life but it must consider that every other state has the same right. The time has come when the best thought of men recognizes that conflicts between states are not settled justly by war. When once the sword shall be beaten into the ploughshare and the spear into the pruning-hook, then we can deal with the problem of the relation of state to state on the true basis of arbitration. Some tribunal must be found, whether it be a league of nations, or only a world court, that will adjudicate difficulties between states. This implies that the suspicions between nationalities, and the prejudices of race must be laid aside. A new policy must be instituted. At present states still deal with each other in many cases through power alone and not through justice. The power of the stronger nations and their undue domination must cease. If international relations once begin definitely to be adjusted on the principles of justice as founded upon the righteousness of the Kingdom of God, we shall have a real common life of humanity in the bonds of actual brotherhood under the one Father.

The positive proposal which is most needed for the theory and the administration of the state is the principle of justice as justice is determined by

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the holy and loving will of God. Christian thought and effort must seek to get beyond the mere question of the relation of church and state, and endeavor to make effective in human thinking a new ideal of the state. This new ideal will define the state as *the institution of human society, willed by God, to express His purpose for the welfare of mankind in the maintenance of justice and order, and in constructive effort for every bodily and moral need of society.*

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DATE DUE

BORROWER'S NAME

JAN 2 '63

Don Hachmann

NOV 20 '63

B Smith

JAN 5 '66

Wendy

MAR 13 '70

Roger S.

MAR 30 '70

Brian Pa

BV

630

H3

OD

APR

